City Council Workshop & Meeting
Agenda
January 3, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Stage Purchase Discussion – Marc Gosselin
B. Senior Tax Rebate and State Tax Stabilization Update
C. Executive Session - Economic Development (121 Mill Street), pursuant to 1 M.R.S.A. §405(6)(C).

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 01-01032023*
Confirming Chief Moen's appointments of Steven Friedrich, William Howard, James Clement, and Joshua Croswell as Constable with Firearm for the Auburn Police Department.

2. Order 02-01032023*
Re-appointing Darren Finnegan to the Planning Board, full member, with a term expiration of 1/1/2026.

3. Order 03-01032023*
Appointing Paul Jacques to the Planning Board, full member, with a term expiration of 1/1/2026.

4. Order 04-01032023*
Re-appointing Stacey LeBlanc to the Planning Board, full member, with a term expiration of 1/1/2026.

5. Order 05-01032023*
Appointing David Trask to the Planning Board, full member, with a term expiration of 1/1/2025.

6. Order 06-01032023*

Appointing Amanda Guerette to the Planning Board, associate member, with a term expiration of 1/1/2025.

7. Order 07-01032023*
Appointing Timothy DeRoche to the Planning Board, associate member, with a term expiration of 1/1/2026.

8. Order 08-01032023*
Re-appointing Danelle Martel to the Auburn Housing Authority Board of Trustees, with a term expiration of 10/01/2027.

9. Order 09-01032023*
Re-appointing Jeremiah Bartlett to the Complete Streets Committee, with a term expiration of 1/1/2026.

10. Order 10-01032023*
Appointing Benjamin Weisner to the Age Friendly Community Committee, with a term expiration of 6/1/2023.

11. Order 11-01032023*
Appointing Gerald Samson to the Regulatory Advisory Board, with a term expiration of 6/1/2024.

12. Order 12-01032023*
Appointing Kirk Nadeau to the Airport Board, with a term expiration of 1/1/2026.

13. Order 13-01032023*
Amending the postponement date of order 165-12192022 to February 21, 2022 instead of February 13, 2022.

II. Minutes – December 19, 2022, Regular Council Meeting

III. Communications, Presentations and Recognitions

- LA 9-1-1 Presentation
- Presentation of Recreation Non-Profit Groups
- Council Communications (about and to the community)

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

V. Unfinished Business - None

VI. New Business

1. Order 14-01032023

Directing the City Manager to acquire the necessary property to optimize a new Engine 2 station and allocating up to $25,000 from the American Rescue Plan Act (ARPA) funds in support of this initiative.

2. Order 15-01032023
Amending Order 22-02072022 to include website redesign and associated costs to the list of projects that were approved in the allocation of ARPA funds.

3. Ordinance 01-01032023
Amending the Code of Ordinances, Sec. 16-49, Security Systems and Appendix A, Fees and Charges under Emergency Management and Service, removing the renewal requirement and associated fee.

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

VIII. Reports (from sub-committees to Council)

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

IX. Executive Sessions – Legal Matter, pursuant to 1 M.R.S.A. §405(6)(E).

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2023

Author: Marc Gosselin (Executive Director, Community Partnerships/Sport Tourism)

Subject: Portable Stage Purchase

Information:

At the previous meeting, the council requested more information and tabled the order to purchase the stage. Specifically, the council was interested in what have we spent on stage rentals and how much do we anticipate spending and the future.

Since FY19, we have spent over $30,000 in rentals. There were no rentals in FY21 due to COVID. As events get back to normal and to meet the goal of the council for having signature events, we anticipate spending over $100,000 over the next five years. This includes the costs for the high school graduation. Staff is prepared to answer any further questions you have before the tabled order returns at the next council meeting. The information below and the attached materials were shared but not included during the last workshop.

StageLine SL100 General information about pricing:
Video Link Below:

SL100 Video

- This model is compatible working with video walls, setting up for intimate to sizeable events and for its ease, speed and safety in setup and teardown.

- Base package at $140,000 with options and accessories reaching $25,205, service fees $2,890 (total $168,095). I'll prepare another quote with options pre-selected for you to review.

- SAFETY, TRAINING AND WARRANTY: Stageline units have warranties, low maintenance requirements, expert training programs, offers on equipment inspections, high resale value, references and the highest wind resistance in the industry

- NOTE ON VIDEO WALLS: Stageline offers pre-installed, quick release, 6' sound rig overhanging trusses on its SL100, 24' x 20' aluminum mobile stage. The 6' trusses are deployed in seconds, have a capacity of 1,500 lb and can be fully converted to receive video walls.

Stageline SL100, all hydraulic, all aluminum mobile stage:

A popular start-up kit with municipalities and community oriented events on the SL100 unit is made up of options in sections A and C. You will see in the attached photos that very large banner space can be made available for your imaging and sponsorship partners.

- Options that you could want to include on the Stageline SL100:
  - skirt
  - full banner support hardware Stageline
  - windwalls
- reinforced fly-bays for video walls and line array rigging points

Stageline SL100 – 24' x 20' (7,3 x 6M) - Stageline SL100 has, built in, Stageline quality and durability to make your purchase and your investment count with high resale value remaining after years of use. It features, height, depth, speed of set-up, durability and safety. Indicated size is before the addition of platforms.

- with multiple configurations and very easy, all hydraulic, operations, this Stageline will fully deploy in 45 minutes to one hour, hold tons of lights and sound. To set it up as a bandshell with low roof and less depth, will take no more than 15 minutes.

- some of your smaller events will dictate numerous uses and other applications such as: a fully covered 24' x 20' (7,3 x 6M) public access surface for a café, a terrasse, a fun room, a meeting room, a display floor

- you can have a lightweight windwall on any side as well as on all sides or leave the stage fully open.

- you have the capacity to be on the stage and cater to a crowd on 360 degrees of the unit. This includes the capacity to rig speakers from all four roof corners, calling out or projecting music in all directions.

- promotional material, products or relief equipment can be handed to the public from all sides of the equipment.

- you can easily attach large banners on the rooftop as well as on the sides letting visuals, artwork and imaging beam out from an interesting height.

- as for other Stageline equipment, the rigid sides of this trailer also permit to apply image and artwork which makes you visible 24 hours a day

---

City Budgetary Impacts: ARPA funding is being proposed which will have a savings in future operational budgets.

Staff Recommended Action: Council consideration.

Previous Meetings and History: December 5, 2022 Council meeting

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- PDF Stageline SL100 brochure **(Please add to the computer to show during information session)**
- SL 100 Price Quote
- APEX Stage Quote (comparable company and stage)
- APEX Stage – Optional pricing sheet

SL100

THE SL100
IN A CLASS OF ITS OWN

Photo: Scott Thompson / StageRental.com

STAGE LINE

STAGELINE ADVANTAGES

STAGELINE, THE SPECIALISTS FOR OVER 35 YEARS IN DESIGNING, PRODUCING AND DELIVERING THE SAFEST AND MOST INNOVATIVE MOBILE STAGES TO OUTDOOR EVENTS.

- Most requested mobile stage in its category
- Holds the market lead in rigging & wind resistance
- Built to last 25 years and more
- Outstanding payback and great resale value

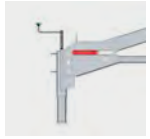
SL100
JOHN DEERE
GOLF
Photo: Scott Thompson / StageRental.com

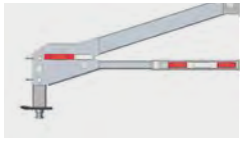
IT ALL STARTS ON THE ROAD

STAGELINE MOBILE STAGES ARE ENGINEERED FOR THE ROAD.
Before its main usage as an outdoor stage, a mobile stage must perform as a road legal trailer.

Stageline advanced design combines a custom chassis with multiple hinged panels and telescoping structures that will not alter in performance from mileage and bad roads. It results in excellent road handling and safety year after year.

HAULING OPTIONS





Gooseneck or king pin

Drawbar for pintle hook or ball hitch

Photo: DF Motion
STAGE LINE
SL100
22
RAM

A HIGH PERFORMANCE STAGE

WITH A COMPLETE HYDRAULIC SET UP

- Fast and controlled operations
- Precision designed cylinders with safety block valves
- Low maintenance

1

Position & level the trailer.

2

Hydraulically deploy
the floor and roof panels.

3

Hang sound, lighting, banners, windwalls and sets from ground and deck level.

4

Raise the roof with up to 3,800 lbs (1,725 kg) of show equipment.

Install stairs, guardrails
and add accessories.

AT A GLANCE

FLOOR

24’ x 20’ (7 m x 6 m)
up to 40’ x 28’ (12 m x 8 m)
with extension platforms

SET-UP

2 technicians*

30 minutes

WIND RESISTANCE

115 mph (185 km/h)
without windwalls

77 mph (123 km/h) with windwalls

RIGGING

11,400 lb (5,190 kg)

6’ outriggers on each side /
1,500 lb (680kg) per side

* Stageline promotes safe working habits by having a minimum of two workers on every job site.

SHOWCASE YOUR SPONSORS & EVENTS

On the road trailer wrap advertising panels
24’ x 7’ (7 m X 2 m) - rivet-free panels with gel coating that improve graphics application and appearance.

MAXIMUM BANNER SPACE

1. Top banner 37’ x 4’ (11 m x 1.2 m)
2. 2 Side banners 6’ x 16’ (1.8 m x 5 m)
3. Backdrop 23’ x 13’ (7.1 m x 4 m)
4. Skirt 40’ x 4’ (12.2 m x 1.4 m)

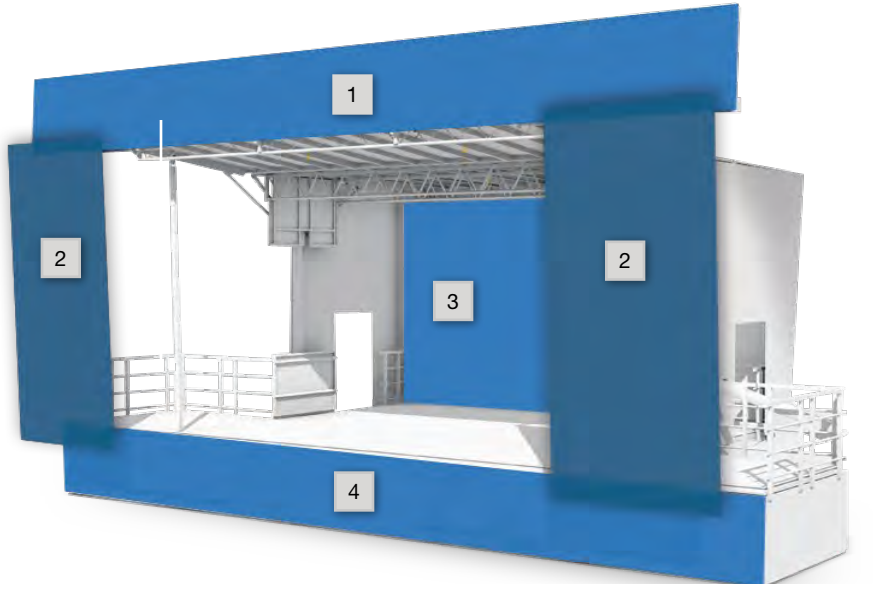


Photo: Scott Thompson / StageRental.com

SAFE & EFFICIENT INSTALLATION

WORK FROM GROUND & DECK LEVEL
All the work and installation of sound, light, banner is done from deck and ground level reducing the risk of climbing accidents.

3,800 LB (1,725 KG) OF HYDRAULIC LIFTING CAPACITY

TOTALLY SELF STANDING
No ballast or cables required

SUPERIOR DESIGN FOR LOADS & RIGGING
The SL100 is designed, built and tested with the highest load and rigging design criteria in the industry – up to 2 times the permitted load.

Deck & chassis at 150 lb/ft² (732 kg/m²) **meets IBC & NBC standards**
Cross braced steel members added to support legs under the mid-section of trailer frame.

Storage
Custom underfloor storage system for staging components.

Storage
Corner posts stored in roof panels. Easy to access.

Raise & lower the roof securely with double mast lifting mechanism
A set of sturdy masts lifts and lowers the roof and show support equipment.
They function with balanced or unbalanced loads even in difficult weather conditions.

Lights
4 battery powered LED work lights.
2 in the roof – 2 under the floor.

Battery
Battery system for work lights, emergency breakaway system and engine starter.

MORE RIGGING POSSIBILITIES TO PLAY WITH

Multiple rigging options
1 24 built in rigging points with a capacity of up to 1,500 lb (680 kg).

Movable rigging brackets
2 4 movable rigging brackets provided.

Front overhang pipes
3 Capacity of 700 lb (317 kg) at 2’-9” (0.84 m) from roof edge – 9’ 4” (2.85 m) rigging pipe.

T2 Trusses
4 Strong capacity of 1,200 lb (544 kg).

1

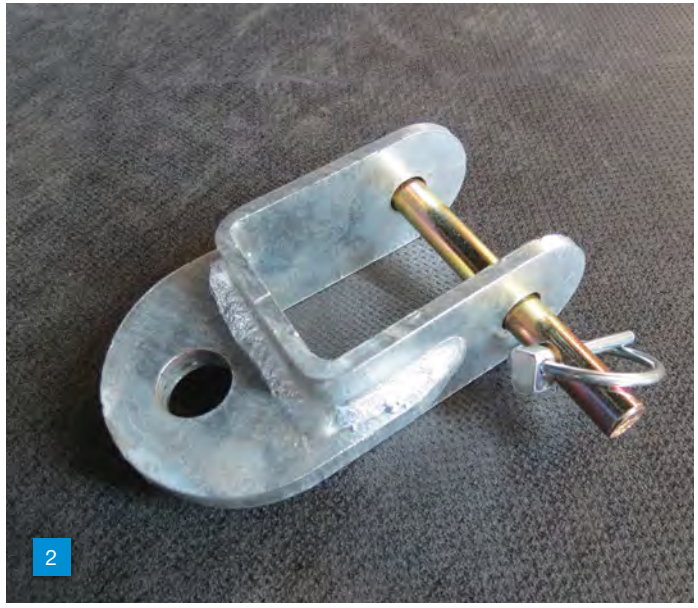
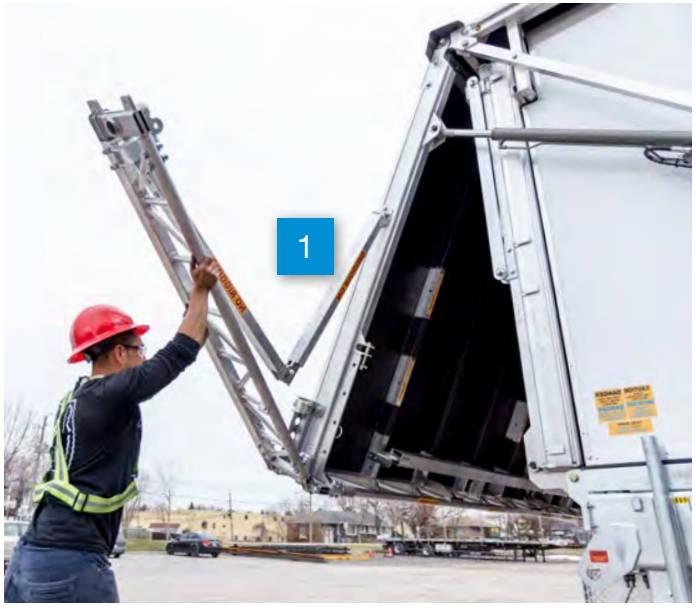

2

Photo: Upstage Crew Services

6’ SIDE RIGGING TRUSS



Standard Flybay
1,500 lb (680 kg) capacity per side.
1 Truss deploys in seconds.

Optional Flybay
2 Line array and screen rigging capability with multiple configurations.

Rigging points for PA
3 In front of all 4 corner posts. PA extension bars available.

2
3

SCREENS

1,500 LB (680 KG) CAPACITY PER SIDE. INCREASED RIGGING OPTIONS WITH THE 6’ (1.8M) SIDE RIGGING TRUSSES FOR LED SCREEN OR SPEAKERS.

1 LINE ARRAY CAPABILITY FREE UP FLYBAY FOR VIDEO WALL.

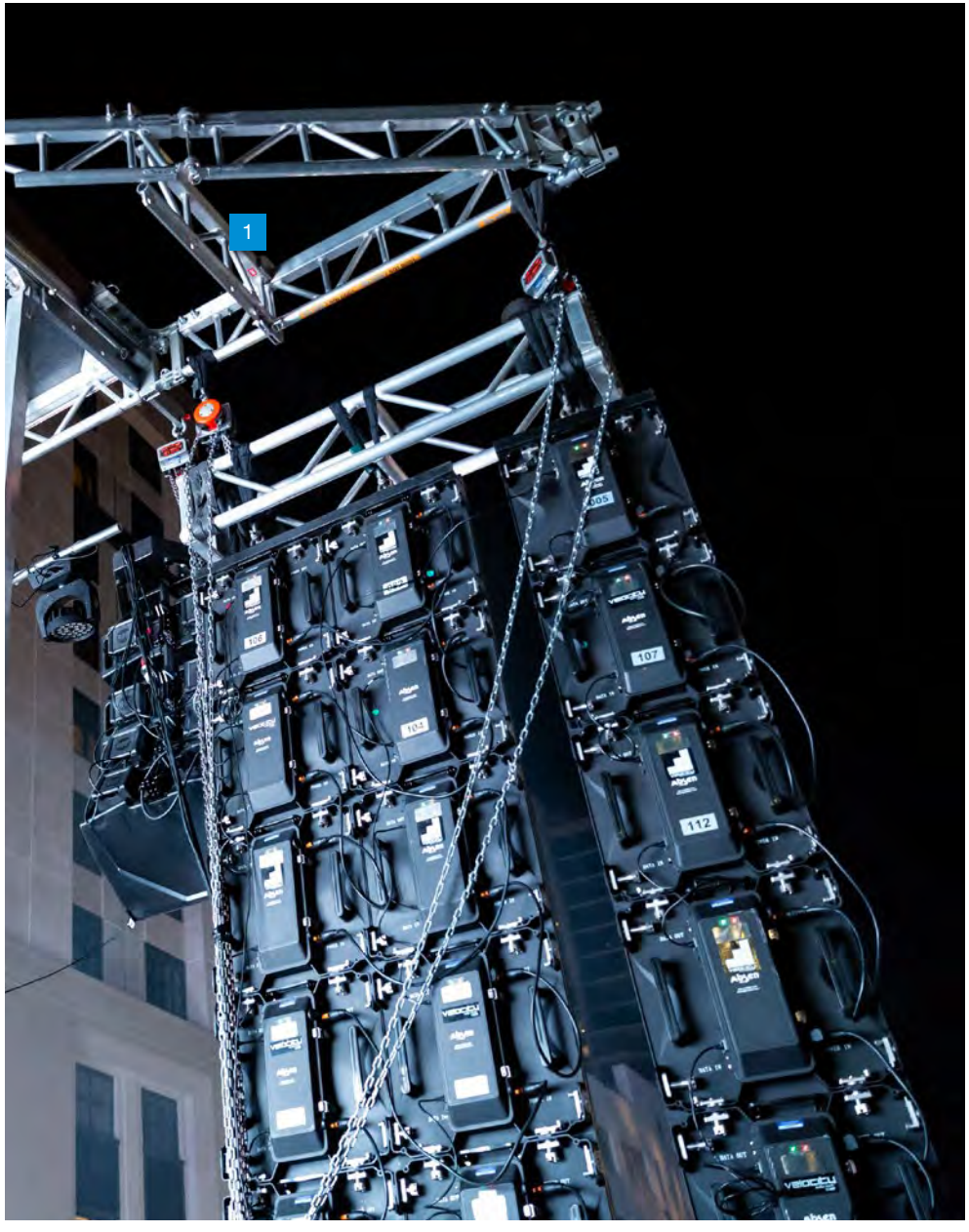


Photo: ASK Media

SAFETY AND RELIABILITY IN ALL CONDITIONS

HIGHEST WIND RESISTANCE IN THE INDUSTRY

Rain and wind protection up to:

- **115 mph (185 km/h)** without windwalls
- **77 mph (123 km/h)** with PVC windwalls

Rain or shine, sand or snow
Stageline mobile stages are built to be operated under the most demanding outdoor conditions.

The SL100 is engineered and built based on the IBC (International building code) & NBC (National building code)

Exceeds AINSI standards

Photo: AV Strategies

MAXIMUM WEATHER PROTECTION

A STAGE DESIGNED TO MANAGE WINDY CONDITIONS

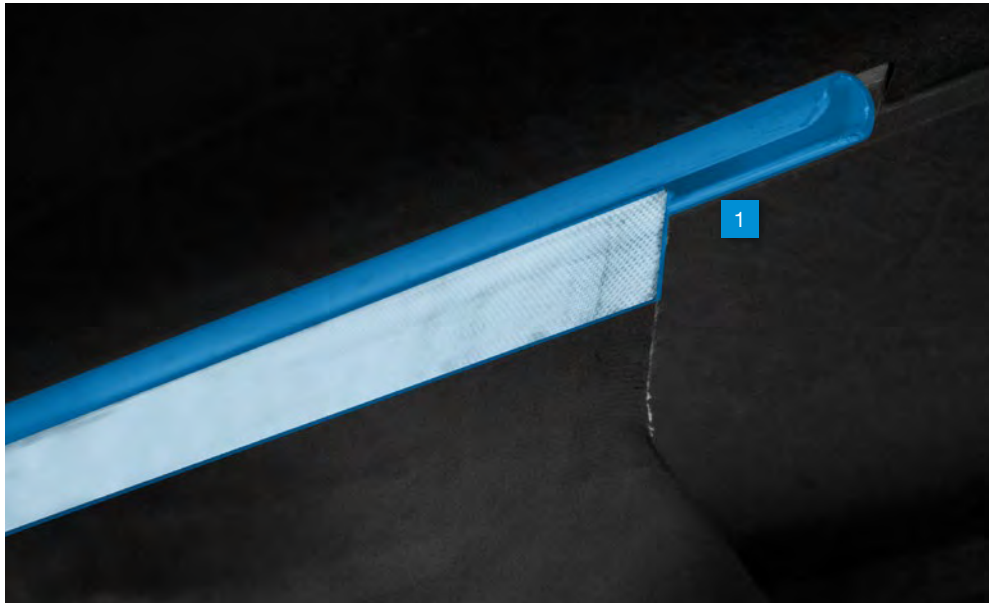
Sturdy windwalls

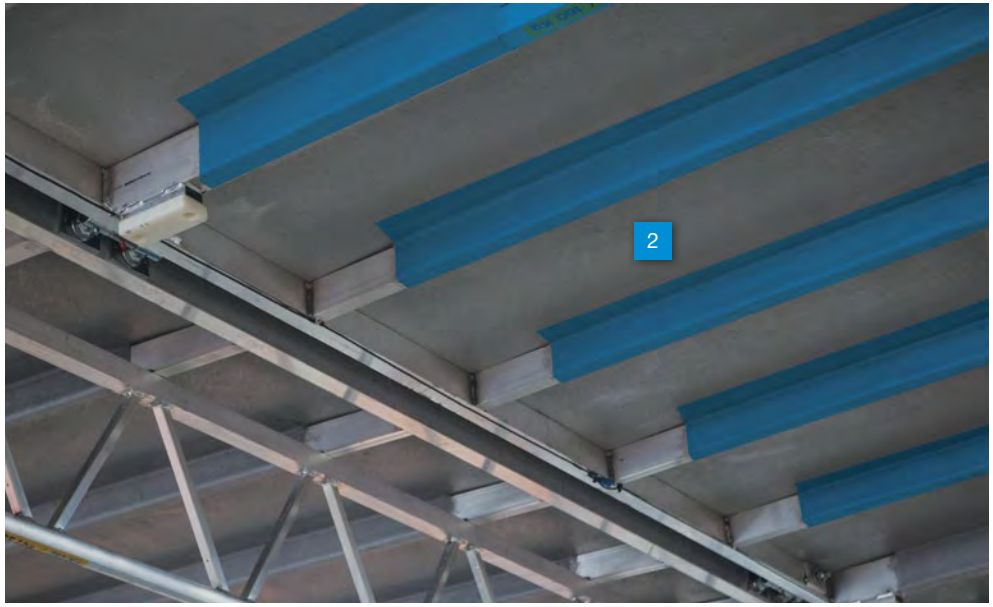
1 Fire retardant vinyl windwalls with a keeder track system preventing water infiltration to protect gear, talent and crew.

Protection on and off the road with a roof made of fiber glass.

2 In closed position, the roof panels of the stage become the side panels of a hardshell trailer. Wrapped around the frame they are structural and weather protective.*

* Blue in picture to highlight keeder track system and Fiber Lock wrap.





WE JUST TOOK 75 MPH (120KM/H) WINDS, GOLF BALL SIZE HAIL AND 4 INCHES OF RAIN IN 30 MINUTES AND THE ENTIRE EVENT SPACE IS DEVASTATED WITH TENTS BROKEN EVERYWHERE.

THE ONLY THING I'M NOT HAVING TO DEAL WITH RIGHT NOW, IS AN ABSOLUTELY PRISTINE SL100 STANDING PROUD IN THE MIDDLE OF IT.

– Jeff Krebs, Epicenter Productions

ASR
STAGE
LINE

WHY THE INDUSTRY PREFERS STAGELINE

Most Widely used
More than 25,000 events per year in over 50 countries - an average of 68 events per day.

Craftsmanship and expertise
Every stage is built in-house and benefits from serious engineering and craftsmanship with experience gathered from decades of use in outdoor events.

Quality control and delivery
Each mobile stage goes through a complete inspection during manufacturing including load tests and complete installation prior to delivery.

Exceptional durability and reliability
Built to last 25 years and more with proper care and maintenance.

Provider of safe staging environments for over 30 years
Highest wind resistance - up to 115 mph (185 km/h) without windwalls and 77 mph (123 km/h) with windwalls. No incident causing an injury due to a breakdown of equipment.

Outstanding value
Low operation and maintenance cost. High resale value even after 10 years.

Certification
Each stage complies with road regulations. Stageline provides complete engineering certification for both structural design and rigging capacity for all countries. Certified documents available for each state and province of the US and Canada.

Environmentally responsible
All products are manufactured in Stageline's state of the art LEED® certified facility integrating the latest environmental technologies.

Award-winning
Our company and products have achieved high acclaim in the industry and have won several engineering and event industry awards.

CUSTOMER SERVICE

Customer Support
We provide a complete 24/7 after sales support.

Parts & Accessories
The best way to ensure that your Stageline mobile stage retains its original condition is to purchase your parts and accessories directly from Stageline.

Inspection & Maintenance
Like any sophisticated piece of equipment, a Stageline mobile stage requires basic maintenance throughout the year. This maintenance must be performed according to specific guidelines.

With this in mind, Stageline's engineers and experienced technicians have developed a unique inspection program. This program will give you a complete analysis of the condition of your equipment including a list of immediate repairs & recommendations.

Training
Driven by the need to ensure technical efficiency, Stageline developed a training and certification program which meets and even exceeds its clients' and users' requirements. Operation of a Stageline mobile stage by qualified personnel is directly linked with the enforceability of the warranty and is required to benefit from the technical support offered on all Stageline products.

With its training program, Stageline helps its users and clients increase profitability on their investment through an efficient utilization of the products.

The main goal is to develop the aptitudes and technical knowledge of the technicians in order to preserve the products' integrity and guarantee durability and maximum safety levels.

UNMATCHED ADDED VALUE

A STAGE THAT PAYS FOR ITSELF FOR GOOD REASONS:
Built to last over 20 years, this stage will help you maximize your benefits for years while endorsing a strong commitment to sustainability.

THIS STAGE COMES WITH THE HIGHEST RESIDUAL VALUE OF ANY MOBILE STAGE
It retains 50-75% of its value after 10 years

OFFERS A STRONG LEVERAGE ON YOUR OTHER SERVICES AND A QUICK RETURN ON INVESTMENT

STAGE CARE WARRANTY (TRANSFERABLE)
We are so confident in our staging technology that we offer the Stage Care Warranty that conveys a lasting assurance equal to none

- Full 1 year parts and labor
- 3 years on the chassis and structure
- 5 years on the fiber glass

MEET THOSE WHO OWN

DURABILITY AND VALUE

“Each year I flirt with the idea of purchasing more Stageline equipment. All I can tell you is that used, properly maintained Stageline equipment sells quickly. I watch the secondary market out of habit and its very rare to find anything, plus it usually maintains almost all of its dollar value as new.”

Dolph Federico /
Pelican Events, New Orleans, LA

PRODUCTION AND ENTERTAINMENT

“SL100 is defacto a standard in the industry. Everyone of professional note use Stageline. I wanted that bulletproof proven technology, workmanship, and engineering. Stageline’s SL100 changed my life!”

Laurence Sheldon /
Big Ear Audio, CA

MUNICIPALITIES / PARKS AND RECREATION

“The “Rec & Roll Stage” is a hit in our community! The size and versatility of the SL100 combined with the ease of set-up make it perfect for our needs. We’ve used it for performances, graduations, and speeches. Community requests keep coming in and we’re the envy of our neighboring communities.”

Ron Rodriguez /
Recreation Services Manager /
Recreation and Parks Department,
City of Santa Maria, CA

TECHNICAL SPECIFICATIONS

NOTABLE BENEFITS

Site Preparation
None

Mode of Transportation
1 Pick-up truck or hauling vehicle

Wind Resistance
115 mph (185 km/h) without windwalls or
77 mph (123 km/h) with windwalls

Promotional Visibility
Rolling billboard or banners and posters

Backdrop*
Weatherproof - fire retardant vinyl or scrim

Vertical and Horizontal Banner Supports*
Installed at ground level

TRAILER		
Length	31’ 9”	9.69 m
Width	8’ 0”	2.43 m
Height	11’ 2”	3.40 m
Dry Weight	9,460 lb	4,290 kg
Maximum Weight	15,000 lb	6,804 kg
STAGE FLOOR		
Length and Depth	24’ x 20’ 1”	7.32 x 6.1 m
Height	3’ 6” to 4’ 3”	1.07 x 1.30 m
Design Live Load	150 lb/ft²	732 kg/m²
Type of Surface	Plywood on aluminium	
ROOF		
Length and Depth	25’ 1” x 23’ 9”	7.64 x 7.23 m
Clearance (Inclined roof)	14’ 6” to 13’ 2”	4.43 to 4 m
Height (from ground)	19’ 0” to 19’ 9”	5.79 to 6.02 m
Type of Surface	Fiberglass moulded around aluminum structure	
Roof Lifting Capacity	3,800 lb	1,725 kg
Roof Load Bearing Capacity	**2,400 lb**	**5,190 kg**
2 Trusses - Downstage & Upstage (T2)	1,200 lb (each)	544 kg (each)
2 Trusses - Central Roof (T1)	1,500 lb (each)	680 kg (each)
2 Front Overhang Extensions*	350 lb at 33” each	159 kg at 0.84 m each
2 Side Overhang Rigging Beams	1500 lb (each) 750 lb at 75” each	680 kg (each) 340 kg at 1.89 m each

† Please refer to rigging plan.
* Optional

Values indicated are nominal. Due to STAGELINE’S product improvement policy, technical specifications may change without notice.

Standard 24’ x 20’ (7m x 6m)

SOME FLOOR CONFIGURATIONS

FROM A BANDSHELL TO A FULL PERFORMANCE STAGE CONFIGURATIONS

Bandshell 24’x13’
(7m x 4m)

Standard 24’x20’ (7m x 6m)
with 8’x8’ (2.5m x 2.5m)
sound wings

Back Extended 4’x24’ (1m x 7m)
with 8’x8’ (2.5m x 2.5m)
sound wings

Standard 24’x20’ (7m x 6m) with
8’x8’ (2.5m x 2.5m) sound wings and
8’x40’ (2.5m x 12m) at the front

Standard 24’x20’ (7m x 6m)
with 12’x20’ (3.5 x 6m) sound wings

827 L'Ange-Gardien Blvd., L'Assomption
Quebec, Canada J5W 1T3
1 450.589.1063 / North America **1 800.267.8243**
stageline.com

MOBILE STAGES | SALES & RENTALS

SL100-22-09-2021

28-Nov-22 | City of Auburn, ME | REV. 1

OPTIONS A

Stageline SL100 Mobile Stage

Floor Size: 24' x 20'
Wind Resistance: 115 mph without windwalls
Trailer Weight: 9,990 lb

Standard Equipment *	**$**	**140,000**
Options & accessories	**$**	**25,205**
Services	**$**	**2,890**
Sub-Total	**$**	**168,095**
Total	**$**	**168,095**

All prices are in USD
Taxes not included (if applicable)
Payment terms: 30% to confirm, balance prior to departure

Approval

Date:
Signature:
Name:
EIN # (if applicable):

STANDARD EQUIPMENT *

ROOF STRUCTURE & RIGGING

4 Built-in trusses / aluminum 2" diameter tube trussing	Compatible with industry clamps
24 Built-in rigging points - 4 movable rigging brackets included	Capacity: up to 1,500lb
Rigging bar / 14' - spans 2 rigging points from left to right	Capacity: 30 lb / ft
2 side overhang rigging trusses 6'	Capacity: 1500 lb per side
Rigging points in front of corner posts	Capacity: 1500 lb per side
4 Aluminum corner posts	Added roof stability and safety
Fiberglass roof molded and wrapped around structure - black roof	
Rigging load capacity tested at twice the working load	
Total roof load capacity with sound wings:	11,400 lb
Galvanized steel column - one on each side	System safely hoists rigged loads
Reversible as standard	Downstage will reverse in difficult to access venues

HYDRAULICS

Double mast lifting mechanism (for a fully hydraulic set up of the stage, roof, sound, lighting and other equipment)	Lifting Capacity: 3,800 lb - balanced load
High power integrated hydraulic system	Equipped with safety valves on all cylinders
4 Hydraulic stabilizers / stage levels from 3' 6" to 4' 3" Vertical support capacity (each): 15,000 lb Lateral support capacity (each): 2,000 lb	No tools required
Gas engine	No other power source required

STAGE

Plywood, black finish, non slip / quick levelling legs	24' x 20'
Multifunctional extruded aluminum deck edges	To install decks, skirts, guardrails & staircases
Guardrails (stage model) / aluminum	5 x 5' 9" + 2 x 2' 8"
Support brackets built-in for Stageline platforms	Full perimeter
Aluminum stairway - 7 steps - adjustable - 35" wide - with handrails	
4 LED work lights	2 in the roof, 2 on the chassis
Spares kit	

TRAILER

Drawbar with pintle eye	
2 Leaf spring axles	Capacity: 14,990 lb
4 Tires	0.40 m (16")
Electric brakes on all wheels	
Emergency breakaway system	DOT requirement
Spare wheel / full-size rim / integrated storage	
2 Storage bumpers	Protects structure
10 Equipment tie-downs	
Storage weight capacity	GVWR:15,000 lb - adaptable to your requirements
Storage space capacity	23' 10" x 5' 6" x 5' 6" = 720 ft³

STANDARDS & CERTIFICATIONS

Applicable regulations	IBC, SAE, DOT, NFPA, CBC, NBC & CWB
Vertical load:	Floor: 7.18 KPa (150 psf) / Roof: 1 KPa (20 psf)
Wind resistance:	115 mph without windwalls 77 mph with windwalls
Certificate stamped by professional engineers	
All technical documents supplied	
24/7 service support +1(800) 267-8243	

OPTIONS & ACCESSORIES

A	WINDWALLS - SKIRTS	VINYL/ SCRIM	Price (USD)	Quantity	
a1	Upstage fire retardant windwall - 44' long x full height (with doors) (keder aluminum track system for easy installation) - black		$ 5,200	1	$ 5,200
a2	Backdrop (with doors) - 24' x 15' - black		$ 2,350		
a3	Downstage windwall extensions - 10' 3" x 15' (with doors) - (Set of 2) - black		$ 2,850		
a4	Skirting - 40' x 4' 9" - black		$ 1,350	1	$ 1,350
a5	Skirt extension - 8' 6" - black - (set of 2)		$ 600	1	$ 600

** for options a1 to a5, select material - also available in grey - fabrication delay*
** if option a3 selected, f1 (keder for windwalls on downstage roof panels) must be selected*

B	SOUND WINGS & RIGGING	Price (USD)	Quantity	
b1	Extension platforms (black non-slip) & accessories - 4' x 8' - (sugg'td qty: 4)	$ 1,300	4	$ 5,200
b2	Guardrails (platform model) / aluminum - 3' 8" - (sugg'td qty: 8)	$ 205	8	$ 1,640
b3	Reinforced flybays with line array and screen rigging points (set of 2)	$ 2,010	1	$ 2,010
b4	FOH pipes - capacity: 700 lb - (set of 2)	$ 2,105		
b5	Movable rigging brackets - (set of 2)	$ 175		
b6	2 Cylinder locks (corner post substitute)	$ 575		
b7	PA Extension bars (set of 2)	$ 520	1	$ 520
b8	Additional rigging bar / 14' - spans 2 rigging points from left to right	$ 410		

C	BANNER SUPPORTS	Price (USD)	Quantity	
c1	Rooftop banner support posts - 37' x 4'	$ 835	1	$ 835
c2	Banner framing bars	$ 520	1	$ 520
c3	Lateral banner supports - 6' x 15' 10" - includes pulley rigging points for retractable banner system	$ 920	1	$ 920
c4	2 Lateral tightening bars / stage level	$ 1,035	1	$ 1,035

D	EXTEND TO 24' x 24'	Price (USD)	Quantity	
d1	3 Extension platforms & accessories - 4' x 24' - upstage	$ 3,900		
d2	8 Guardrails (platform model) / aluminum - 3' 8" - upstage	$ 1,640		
d3	Bracing system for extension platforms - upstage	$ 930		
d4	Windwall to cover increased area - upstage	$ 620		
d5	Roof extension - vinyl canopy & hardware - 4' 9" / downstage - (b4 required)	$ 3,680		

E	HYDRAULICS	Price (USD)	Quantity	
e1	Hydraulic quick connectors	$ 520		
e2	Electric motor, 1 hp, 110 V, hydraulic connections and pump for dual power (storage compartment included)	$ 3,735		
e3	Safety cut off switch	$ 775	1	$ 775

F	ENHANCED REVERSIBILITY OPTIONS	Price (USD)	Quantity	
f1	Keder for windwalls on downstage roof panels	$ 400		
f2	Multi-purpose, heavy-duty structural connectors for side overhang rigging beams and lateral banners. FOH pipe sliders included.	$ 2,485		
f3	Reinforced 6' flybay trusses (b3) with all hinged and articulated components on upstage roof panel (set of 2) – f2* required	$ 4,945		

Note: Options f1, f2 and f3 need to be selected for full reversibility

H	TRAILER HITCH	Price (USD)	Quantity	
h1	Gooseneck with kingpin for 5th wheel hookup (instead of drawbar with pintle eye)	$ 2,415		
h2	Gooseneck with 2 5/16'' ball hitch hookup (instead of drawbar with pintle eye)	$ 2,415		
h3	Hydraulic gooseneck option for h1 or h2	$ 3,910		
h4	Drawbar with pintle hitch (in addition to gooseneck)	$ 2,760		
h5	Ball hitch (attachment only)	$ 1,265		
h6	Drawbar with 2 5/16" ball coupler (instead of drawbar with pintle eye)	-		

I	ACCESSORIES	Price (USD)	Quantity	
i1	Aluminum stairway - 7 steps - adjustable - 35" wide - with handrails	$ 1,725	1	$ 1,725
i2	Loading ramp / aluminum - 3' x 12'	$ 1,840		
i3	Underfloor storage for loading ramp (2nd storage compartment recommended)	$ 775		
i4	ADA lift - up to 5' - 600 lb max load - portable - access from all sides	$ 13,500		
i5	Extension platform (black non-slip) & accessories - 4' x 8'	$ 1,300		
i5a	Cutout gooseneck extension platform (black non-slip) & accessories - 4' x 8'	$ 1,720		
i5b	Cutout engine extension platform (black non-slip) & accessories - 4' x 8'	$ 1,720		
i6	Extension platform (black non-slip) & accessories - 4' x 4'	$ 1,040		
i7	Guardrail (platform model) / aluminum - 3' 8"	$ 205		
i8	Guardrail (stage model) / aluminum - 2' 8"	$ 185		
i9	Guardrail (stage model) / aluminum - 5' 9"	$ 370		
i10	Guardrail (stage model) / aluminum - 5 x 5' 9" + 2 x 2' 8"	$ 2,185		
i11	Quick shelter. polyester roof and walls - 8' x 8'	$ 1,840		
i12	Quick shelter. polyester roof and walls - 10' x 10'	$ 2,070		
i13	Storage compartment / aluminum checker plate - 14" x 16" x 36" - up to 3	$ 1,005	1	INCLUDED
i14	Additional spares kit	$ 490		
i15	Underfloor storage system for options and accessories	$ 2,875	1	$ 2,875
i16	Skids/skis	$ 7,645		
i17	Aluminum mags - 16" x 6" 8/6.5 bolt pattern	$ 1,840		

OPTIONS & ACCESSORIES

K	TRAILER GRAPHICS	Price (USD)	Quantity	
k1	Logo only	TBD		
k2	Full graphic trailer wrap - (2 x (24' 7" x 7' 2") - 2 x (4' 11" x 7'))	$ 5,620		
	Customized scrim* banners - printed graphics - 4 color process			
k3	Rooftop header banner - 24' x 3' 10"	$ 970		
k4	Rooftop header banner - 37' x 3' 10" - spans lateral banners	$ 1,390		
k5	Lateral banners - 6' 6" x 15' 9" (Set of 2)	$ 1,045		
k6	Rear banner - 23' 4" x 12' 11" - installs full size, with or without backdrop	$ 2,725		
	**available in vinyl - prices vary*			

L	MISCELLANEOUS	Price (USD)	Quantity	
l1	** Black fiberglass*	$ 2,010		
l2	*Misc_2*	TBD		

** Possible production delay*

Total for Options & Accessories | **$ 25,205**

SERVICES

	SERVICES	Price (USD)	Quantity	
m1	Trailer shrink wrap	$ 700		
m2	Transport	TBD		
m2a	Transport to Champlain, NY - includes customs paperwork	$ 1,500		
m3	**Training course** - 3 day comprehensive (subject to options chosen) - maximum 4 technicians	$ 2,890	1	$ 2,890
m4	Trainer expenses - to, in & from training site (n/a when training given at Stageline)	TBD		

Total for Services | **$ 2,890**

***Quote valid for 10 business days**
***Prices & specifications subject to change without notice**

Costs related to transportation, training and trainer expenses (travel, accommodation and per diem) not included.
EXW: L'Assomption, Quebec, Canada

Stageline Mobile Stage Inc.
700 Marsolais Street, L'Assomption, Quebec, Canada J5W 2G9
Tel.: (450) 589-1063, Fax: (450) 589-1711
www.stageline.com

APEX STAGE OPTIONAL EQUIPMENT PRICING https://apexstages.com/optional-equipment/

1. STEPS – ($**2,100 ea**.)

2. MESH BACKDROP – (sizes and prices vary per stage size)

3. SOLID FRONT SKIRT (sizes and prices vary per stage size)

4. BANNER PACKAGE – Framing assembly for downstage banner displays **($1,850**)
BANNER FEET Only - 862.00 for the pair **STRAIGHT CLAW ARMS** – 111.00 each

5. BACKUP POWER – Electric or Gas supplemental power **($2,500) STANDARD ON THE 2016**

6. WORK LIGHTS – Positioned above inside masts, toggle switch on control board **($600)**

7. LIGHT BAR – when rigging lights on the existing upstage roof beam, they end up behind your backdrop, and exposed to rain. This bar cantilever's in and out with the roof panel and is 16" inward to eliminate this issue. **($1,500 per side)**

8. EXTENSION DECKS – Includes jacks and hardware. **(4x6 $1,500 4x8 1,600)** Custom sizes available. (Additional handrailing: 4'- $110 2'- $75)

9. VINYL WALL PANELS - 3 piece wrap-around with "door" access on both flanks (4x8) and upstage middle (8x8). Quick release Velcro feature for "high wind" action. **(2420 - $2,850 3224 -$5,544)**

10. OUTLETS – 110 duplexes in outer corners of roof panels; networked (12-S3) to belly box or motor box. **($187.50 each)**

11. BELLY TOOL BOX –These undercarriage lockable boxes allow quick access storage. **($875 each)**

12. 16'EQUIPMENT RAMP – 1k rated - 36" usable width – 62" top service range - $2,365

13. HATCH - easy access to the hydraulic fluid tank. Heavy duty to mitigate low-end rattle (**$250**)

14. SHOCKER HITCH - Greatly reduces 'turbulence' during transport. **($865)**

15. WIND MONITOR - Anemometer with Cell phone app monitoring. (**Device - $512; Mount arm - $100**)

16. RISER CONVERSION KIT – Lockable, heavy duty, telescoping inserts for converting APEX extension decks into rolling risers. Bracing and transition hardware included. **($860.00 Per set of four) Decks not included**

ITEMS IN YELLOW NOT AVAILABLE ON 2016 MODEL

3224 ONLY

16. PRT BARS (Pre-Rigged Truss support Bars) – Removable steel bars extending outward off the roof panel beam. Provides optional rigging. Rated at 1k. **($1,200)**

17. STABILIZER ASSEMBLY– The APEX is aluminum, it might 'shimmy' a little from side to side if there is an active performance (cheerleaders, dance squads) especially when the floor jacks and outrigger rams are fully extended. This support assembly eliminates those issues. **($2,945)**

18. SUPER DUTY – Axles rated 15K in place of standard 10K (Pricing Varies)

19. VIDEO WALL CABLE KIT - This assembly increases the load rating on the outer roof beam to accommodate larger L.E.D. screens. **($2,975)**

PRICING-2424

SALESPERSON	CONDITIONS	PAYMENT TERMS	PAYMENT METHODS
JEFF HESS	ALL SALES F.O.B.	10k DOWN BALANCE ON DELIVERY	CHECK OR WIRE TRANSFER

QTY	DESCRIPTION		
1	APEX 2424 MOBILE HYDRAULIC CONCERT STAGE BASE	$168,000.00	$168,000.00
1	ELECTRIC BACKUP MOTOR	$2,500.00	$2,500.00
1	BANNER PACKAGE	$1,800.00	$1,800.00
2	STEPS	$2,198.00	$4,396.00
1	MESH BACKDROP	$875.00	$875.00
1	SOLID FRONT SKIRT	$575.00	$575.00
	OTHER OPTIONS AVAILABLE:		
	https://apexstages.com/optional-equipment/	SUB TOTAL	$178,146.00
		SALES TAX	EXEMPT
	STANDARD FEATURES: GAS MOTOR HANDRAILS FRONT LOCATED HYDRAULIC CONTROLS 2K RATED ELEVATED SOUNDWINGS SPARE TIRE LATERAL SUPPORT JACKS CORNER TOWERS TOOLBOX W/TOOLS, HINGE GAPPERS TOWER SHUTTLES CARGO STRAPS OUTRIGGER PADS ZINC ANODES.		
	ONE DAY TRAINING AT APEX FACILITY-NO CHARGE ON LOCATION TRAINING-EXTRA CHARGE	TOTAL	$178,146.00

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2023

Author: Kelsey Earle, Deputy Finance Director

Subject: Homeowner Relief Program 2022 & Tax Stabilization update

---

Information:
Homeowner Relief Program 2022: Application was made available October 28, 2022, with a deadline to apply of February 1, 2023. This allows a 3-month window for qualifying homeowners to apply for the funds. So far, 520 applications have been received and staff has been working to review and notify applicants of the status of their application. Those that have been verified have been notified that they can expect to receive payment by mid to late February at the name and address provided on their application.

Tax Stabilization: 1480 applications were submitted by the December 1 deadline. To date, 40 have been disqualified. The remaining applications appear to qualify but will have a second review.

City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:
Homeowner Relief Program-September 19, 2022, workshop suggesting edits. October 3, 2022, Order 125-09062022 Allocating $1,500,000.00 ARPA (American Rescue Plan Act) funding for home relief amended to $700,000 with terms and conditions outlined in workshop. Passage 7-0 by Council.

Tax Stabilization- LD 290 enacted by Legislature May 8, 2022.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2023

Subject: Executive Session

Information: Economic development (121 Mill Street), pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2023 **Order:** 01-01032023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Steven Friedrich, William Howard, James Clement, and Joshua Croswell as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Steven Friedrich, William Howard, James Clement, and Joshua Croswell as a Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Steven Friedrich, William Howard, James Clement, and Joshua Croswell as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: N/A

ORDER 01-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Chief Moen's appointments of Steven Friedrich, William Howard, James Clement, and Joshua Croswell as Constable with firearm/arrest powers for the Auburn Police Department.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2023 **Orders:** 02-01032023 through 12-01032023

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on December 20, 2022 to review applications and make their nominations for various boards and committees of the City as follows:

Age Friendly Community Committee – Benjamin Weisner, term expiration of 6/1/2023.
Airport Board – Kirk Nadeau, term expiration of 1/1/2026.
Auburn Housing Authority – Danelle Martel (re-appointment), term expiration of 10/01/2027.
Complete Streets Committee – Jeremiah Bartlett (re-appointment), term expiration of 1/1/2026.
Planning Board – Darren Finnegan (full member, re-appointment), term expiration of 1/1/2026.
Planning Board – Stacey LeBlanc (full member, re-appointment), term expiration of 1/1/2026.
Planning Board – Paul Jacques (associate to full member appointment), term expiration of 1/1/2026.
Planning Board – David Trask (full member, new appointment), term expiration of 1/1/2025.
Planning Board – Timothy DeRoche (associate member, new appointment), term expiration of 1/1/2026.
Planning Board – Amanda Guerette (associate member, new appointment), term expiration of 1/1/2025.
Regulatory Advisory Board – Gerald Samson, term expiration of 6/1/2024.

City Budgetary Impacts: None

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

Previous Meetings and History: The Appointment Committee met on December 20, 2022 to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

December 20, 2022
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Airport Board	5	Nadeau	Kirk	65 Danbury Drive
	2	*Timoney	James	158 E Shore Road
Age Friendly Community Committee	4	Weisner	Benjamin	83 High Street, #4
Auburn Housing Authority	5	*Martel	Danelle	143 Mill Street, #413
Complete Streets Committee	2	*Bartlett	Jeremiah	107 Shepley Street
Planning Board	1	**Daigle	Joshua	103 Blackmer Street
	3	DeRoche	Timothy	14 Millbrook Lane
	4	*Finnegan	Darren	209 Hickory Drive
	5	Gray	Stanwood	1200 Sopers Mill Road
	4	Guerette	Amanda	20 Cherry Vale Circle
	3	**Jacques	Paul	1685 Minot Avenue
	3	*LeBlanc	Stacey	12 Pinewood Drive
	5	Trask	David	89 Partridge Lane
Regulatory Advisory Board	4	Samson	Gerald	1394 Minot Avenue

* Indicates this applicant is seeking re-appointment

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

VACANCIES

Age Friendly Committee - 2 vacancies, term expirations June 1, 2023

Airport Board - 1 vacancy, term expiration January 1, 2026

Auburn Housing Authority - 1 vacancy, term expiration October 1, 2027

Audit Committee - 1 vacancy, term expiration TBD

City Council Student Representative - 2 appointments

Complete Streets Committee - 1 vacancy, term expiration January 1, 2026

Parks & Recreation Advisory Board - 3 vacancies, one with a term expiration October 1, 2023, two with term expirations of October 1, 2024

Planning Board - 5 vacancies, 3 full member and 2 associate positions, all with term expirations of January 1, 2026

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

Regulatory Advisory Board - 4 vacancies, term expirations are June 1, 2024, and June 1, 2025

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Friday, November 18, 2022 12:15 PM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

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

First Name: Benjamin

Middle Initial: J

Last Name: Weisner

Residence Address: 83 HIgh St Apt 4

Ward: Ward 4

City: Auburn

Home Phone: 207-514-5453

Cell Phone: 207-514-5453

E-mail Address: benweisner@hotmail.com

Current Occupation: Public Adjuster

Previous Occupation (if retired or no longer working): Transportation Aide MEDOT

Education and/or experience: BS Criminal Justice

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to serve on a commitee to help serve the city and the people. I want to become more involed and help where i can to grow and bring new ideas. Auburn is a great place to live and i want to be apart of that.

What do you hope to accomplish?: I hope to accomplish to help bring new ideas and help to assist the commitee in its current efforts. As well as while they expand that helps the city of Auburn.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: no

Dates served (if known):

How did you learn of this vacancy?: Website

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

Date of Electronic Signature: 11/18/2022

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Thursday, December 1, 2022 11:12:41 PM

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

First Name: Kirk

Middle Initial: A

Last Name: Nadeau

Residence Address: 65 Danbury DR

Ward: Ward 5

City: Auburn

Home Phone: 2077543007

Cell Phone: 2077543007

E-mail Address: Knadeau@kean-us.com

Current Occupation: President, Business Owner

Previous Occupation (if retired or no longer working):

Education and/or experience: Marine Engineer, Project Management Professional - PMP, Private Pilot ASEL& ASES

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I am a private pilot, resident of Auburn, small business owner of Auburn based PM-CM consulting firm with national clientele. I would like to be a team member of the KLEW Board. I believe the board has many opportunities to choose the path forward for KLEW. I will lend my professional business management & PM experience to size up and evaluate opportunities that have all stakeholders in mind. I am passionate about General Aviation and represent the hard working men and women who have earned their way to their pilot certificates. I believe communities make places like KLEW special and hope to help enhance the focus on a diversified community with common interest.

What do you hope to accomplish?: I will be present and accounted for in board meetings, and will do my best to serve to interest of the residents of Auburn, the KLEW staff, board members and stakeholder pilots.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known): N/A

How did you learn of this vacancy?: Attended the 12/1/22 KLEW Board meeting.

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

Date of Electronic Signature: 12/01/2022

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, November 30, 2022 1:55:06 PM

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

First Name: James

Middle Initial: M

Last Name: Timoney

Residence Address: 158 E Shore Road

Ward: Ward 2

City: Auburn

Home Phone: 1207 7775395

Cell Phone: 12075765943

E-mail Address: jtortho@aol.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Physician (Orthopedic surgery)

Education and/or experience: BS,MS Engineering, DO Navy Trained Surgeon, private pilot @KLEW

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): Continue to serve the airport board, with a pilots perspective.
The GA (General Aviation) community is the primary customer.

What do you hope to accomplish?: Help to redevelop an active General aviation Airport.
It has not grown as well as others in the Central/Southern Maine area.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: I am currently on the board

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: only this board

Dates served (if known): Started in January 2022

How did you learn of this vacancy?: renewal letter

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth

above. By typing your full name below, you are "signing" this electronic application.: James M Timoney

Date of Electronic Signature: Nov 30, 2022

auburnmaine.gov

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 10-26-22

Last name: MARTEL First name: Danelle Middle initial: R

Residence address: 143 Mill #413 Ward: 5

City: Auburn State: ME Zip code: 04210

Home phone: 576-4552 Work phone: _____ Cell phone: _____

Email address: momsports40@yahoo.com

Current occupation: Retired

Previous occupation (if retired or no longer working): _____

Educational and/or experience (or attach your resume): _____

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
X Auburn Housing Authority
___ Board of Assessment Review
___ CDBG Loan Committee
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Planning Board
___ St. Louis Bells Committee
___ Zoning Board of Appeals
___ Airport Board
___ Audit & Procurement Committee
___ Cable TV Advisory Board
___ Community Forest Board
___ Conservation Commission
___ Finance Committee
___ Parks & Recreation Advisory Board
___ Sewer District
___ Water District

Is this application for a ___ new appointment or X reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). Cont. to serve on AHA Board

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). Affordable housing

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

Dates served (if known)? last 8 years

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

Dates served (if known)?

How did you learn of this vacancy?

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Date: 10-26-20

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: ___
APPOINTMENT DATE: ___
TERM EXPIRATION DATE: ___
OATH DATE: ___

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Tuesday, December 6, 2022 8:44:27 AM

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

First Name: Jeremiah

Middle Initial: J

Last Name: Bartlett

Residence Address: 107

Ward: Ward 2

City: Auburn, ME

Home Phone: 2077831148

Cell Phone: 2076321065

E-mail Address: jeremiahbartlett@gmail.com

Current Occupation: Transportation Engineer, City of Portland, Maine

Previous Occupation (if retired or no longer working):

Education and/or experience: 25 years' experience in transportation planning and engineering; BS from Northeastern University in Civil Engineering

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have been involved with this Committee since its inception and seen significant changes in Auburn transportation projects since then.

What do you hope to accomplish?: Continue the work of seeking best practices outcomes for multi-modal transportation in Auburn

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Complete Streets, Comp Plan

Dates served (if known): Comp Plan was the 2020-2021 update

How did you learn of this vacancy?: City notified me of the end of my current term

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth

above. By typing your full name below, you are "signing" this electronic application.: Jeremiah J. Bartlett

Date of Electronic Signature: 12/6/2022

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Tuesday, December 13, 2022 10:20:39 PM

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

First Name: Joshua

Middle Initial: B

Last Name: Daigle

Residence Address: 103 Blackmer Street

Ward: Ward 1

City: Auburn

Home Phone: 2074911695

Cell Phone: 2074911695

E-mail Address: joshuabdaigle@gmail.com

Current Occupation: Professional firefighter/EMT

Previous Occupation (if retired or no longer working):

Education and/or experience: AAS Fire Science, 7 years of full time public service experience, over 2 years of experience on various Auburn boards/committees.

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I wish to serve on the planning board to assist in further advancing Auburn?s success in growth and development. I would be able to help the team ensure smart growth within the city and the broader community. Auburn has been a model for other cities by adding housing, readdressing zoning, simplifying permits and regulations, so it would be a great honor to be apart of the continued growth and to create a new vision for the future of the city that is centered around increasing the prosperity of every resident. I have served on this committee for a year and have gained experience and knowledge in this field. Having acted as a full term voting member on over half a dozen meetings already, I have consistently shown my dedication in studying, researching the item at hand, and taking careful considerations to all stakeholders when evaluating any work that is brought to the planning board.

What do you hope to accomplish?: As part of a dedicated team, I could help take Auburn to another level of achievements by reaching current goals while establishing new ambitions for the future. I understand the importance of economic sustainability for the community, and how crucial development and strategic planning are for setting the stage for sustained prosperity. It is my goal to help polish and improve the environment that will attract businesses, residents and continue to develop and preserve Auburn for future success.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Complete streets committee

Dates served (if known): October 2020-February 2022 for complete streets committee, Planning board -January 2022-Present

How did you learn of this vacancy?: Term Expiration

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

Date of Electronic Signature: 12/13/22

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Thursday, December 15, 2022 4:26:01 PM

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

First Name: Timothy

Middle Initial: J

Last Name: DeRoche

Residence Address: 14 Millbrook Lane

Ward: Ward 3

City: Auburn

Home Phone: 207-312-9490

Cell Phone: 207-312-9490

E-mail Address: teldd@roadrunner.com

Current Occupation: Locomotive Mechanic

Previous Occupation (if retired or no longer working): Jet Engine Mechanic

Education and/or experience: Associate Degree

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I grew up in Auburn. After High School, I moved to Pittsburgh, PA in 1993 to further my education. Shortly after receiving my degree, I lived in a few different States and regions of our great Country; TX, VT, NY & PA. Ultimately, when it was time to begin a family, my wife and I found ourselves recognizing the lifestyle and values we wanted for our family are a hard atmosphere to find outside of Auburn, so we came back in 2006. This City has allowed my wife & I to raise our 2 daughters in a community which is safe, abundant in activities and is growing exponentially. I feel it is time to do what I can to contribute to the further growth of our City and wish to enter that voyage as a member of the Planning Board.

What do you hope to accomplish?: I hope to learn more of the inner, behind-the-scenes activities it takes to make this City run. Being analytical and detail oriented by nature, I hope I can fill a much needed niche.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known): N/A

How did you learn of this vacancy?: online

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

Date of Electronic Signature: 12/15/22

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Tuesday, December 13, 2022 2:33:54 PM

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

First Name: Darren

Middle Initial: C

Last Name: Finnegan

Residence Address: 209 Hickory Drive

Ward: Ward 4

City: Auburn

Home Phone: 207-689-3100

Cell Phone: 207-689-7615

E-mail Address: Dfinnegan71@gmail.com

Current Occupation: Brewery owner operator

Previous Occupation (if retired or no longer working):

Education and/or experience: 3 years planning board member

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to be a part of the revitalization of our city.

What do you hope to accomplish?: I hope to help steer the city in the right direction of responsibille growth.

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

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

Dates served (if known): 12/2020 to present

How did you learn of this vacancy?: I received an email about my term coming to an end

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

Date of Electronic Signature: 12/13/2020

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Saturday, December 10, 2022 7:55:41 PM

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

First Name: Stanwood

Middle Initial: J

Last Name: Gray

Residence Address: 1200 Sopers Mill Rd

Ward: Ward 5

City: Auburn

Home Phone: 2076156957

Cell Phone: 2076156957

E-mail Address: stanwoodgray@gmail.com

Current Occupation: Carpenter and Farmer

Previous Occupation (if retired or no longer working):

Education and/or experience: carpenter/contractor for 25 years

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to help Auburn reach it's fullest potential.

What do you hope to accomplish?: I want to help to move Auburn forward into becoming the best city it can possibly become.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Yes, Complete Streets Committee and Natural Products working group of the SNRB

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

Dates served (if known):

How did you learn of this vacancy?: website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth

above. By typing your full name below, you are "signing" this electronic application.: Stanwood J Gray Jr

Date of Electronic Signature: 12/10/22

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Thursday, December 15, 2022 4:01:54 PM

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

First Name: Amanda

Middle Initial: A

Last Name: Guerette

Residence Address: 20 Cherry Vale Circle

Ward: Ward 4

City: Auburn

Home Phone: 207-212-1056

Cell Phone: 207-212-1056

E-mail Address: aasasseville@yahoo.com

Current Occupation: Expanded Functions Dental Assistant

Previous Occupation (if retired or no longer working):

Education and/or experience: Management

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I was born and raise in the Lewiston/Auburn area. I have a son that attends loca schooling and plays local sports. I have owned my home in Auburn for the past 7 years. I want to take an active role in our great City grow and have other families be proud it call it home. I am confidently able to collect data and make an educated decision on the facts that are presented. I enjoy taking on challenges and being a team player. Facts have always what I have made decisions on and I want to help the City of Auburn establish a comprehensive plan towards growth and change where needed.

What do you hope to accomplish?: As a seat on the planning board I will help accomplish growth and development. With my current occupation I am able to collect information and present it to my patients as different options and find what is best for their treatment and care. I am committed to continue to make our city a beautiful and flourishing place for business and families. I want to be an active role in my community for future generations to have the best platform.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: None

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: None

Dates served (if known):

How did you learn of this vacancy?: Jason Levesque and Stacey LeBlanc

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

Date of Electronic Signature: 12/15/2022

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, November 30, 2022 12:54:04 PM

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

First Name: Paul

Middle Initial: D

Last Name: Jacques

Residence Address: 1685 Minot Ave

Ward: Ward 3

City: Auburn

Home Phone: 12077499556

Cell Phone: 12077499556

E-mail Address: snowbirdut69@gmail.com

Current Occupation: Classroom Teacher

Previous Occupation (if retired or no longer working):

Education and/or experience: BS Economics and Master of Elementary Education

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I would like to help the city of Auburn maximize the health and economic opportunity of its citizens.

What do you hope to accomplish?: Assist residents with housing affordability, minimize environmental impacts of growth, expand landowner development possibilities, and increase walkability throughout the city.

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

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

Dates served (if known): 1/1/2022-Present

How did you learn of this vacancy?: Susan Clements-Dallaire emailed me.

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

Date of Electronic Signature: 11/30/2022

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Wednesday, November 30, 2022 11:50:37 AM

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

First Name: Stacey

Middle Initial: C

Last Name: LeBlanc

Residence Address: 12 Pinewood Drive

Ward: Ward 3

City: Auburn

Home Phone: 2073120268

Cell Phone: 2073120268

E-mail Address: stacey.leblanc@prudential.com

Current Occupation: Insurance

Previous Occupation (if retired or no longer working):

Education and/or experience: College Degree

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have a deep passion for public service and a commitment to the residence of Auburn, Maine. It is important for me to not only support the town, but also the residence of this town. Being a member of the planning board affords the opportunity to give back to the community by helping the town grow and thrive to become a place where people desire to live.

What do you hope to accomplish?: To continue the great work that the City Counsel, and staff, have undertaken with an eye towards continuing to grow, develop, in a sustainable and responsible way, the city of Auburn.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth

above. By typing your full name below, you are "signing" this electronic application.: Stacey LeBlanc

Date of Electronic Signature: 11/30/2022

From: donotreply@auburnmaine.gov
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application
Date: Thursday, December 1, 2022 10:38:36 AM

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

First Name: David

Middle Initial: P

Last Name: Trask

Residence Address: 89 Partridge Lane

Ward: Ward 5

City: Auburn

Home Phone: 2076507434

Cell Phone: 2076507434

E-mail Address: dptrask@roadrunner.com

Current Occupation: Software Product Owner - Jackson Laboratory

Previous Occupation (if retired or no longer working):

Education and/or experience: BA Economics 1990, MBA Healthcare Systems expected 2024

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to get more involved with city government and volunteer my time. I grew up in Auburn, moved away and then returned to raise my children. I want Auburn to thrive and be a destination for new businesses and new citizens in a measured manner. I want current businesses to have the opportunity to grow and current residents the components they need to stay. I feel the planning board is integral in making that happen.

What do you hope to accomplish?: I hope to gain a better understanding of Auburn's city government and how the Planning Board integrates within it. I hope to help guide the orderly growth and development of our community ensuring the city has adequate facilities for housing, transportation, distribution, and safety and the health and welfare of its citizens.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?: Jason Levesque and Stacey Leblanc

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

Date of Electronic Signature: 12/1/2022

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 11/18/22

Last name: Samson First name: Gerald Middle initial: M

Residence address: 1394 Minot Ave Ward: 4

City: Auburn State: Me Zip code: 04210

Home phone: _____ Work phone: _____ Cell phone: 740-1414

Email address: Cleves8313@gmail.com

Current occupation: Retired

Previous occupation (if retired or no longer working): Tax Assessor - 33 years

Educational and/or experience (or attach your resume): EHS 1963 Bliss College 1965

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
X Regulatory Advisory Board
___ Sewer District
___ Water District
X Other Board of Assessing Review

Is this application for a ✓ new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). As A Public Service

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). To use Experience in Assessing To Make Informed decisions Regarding Assessing Appeals

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

Dates served (if known)? _____

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

Dates served (if known)? Mid 1990's

How did you learn of this vacancy? From City Employee

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.
Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!
I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.
Signature: _____ Date: 11/18/22

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: _____
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

ORDER 02-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Darren Finnegan to the Planning Board, as full member, with a 01/01/2026 term expiration as nominated by the Appointment Committee.

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

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

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

ORDER 03-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Paul Jacques the Planning Board, as full member, with a 01/01/2026 term expiration as nominated by the Appointment Committee.

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

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

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

ORDER 04-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Stacey LeBlanc to the Planning Board, as full member, with a 01/01/2026 term expiration as nominated by the Appointment Committee.

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

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

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

ORDER 05-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints David Trask to the Planning Board, as full member, with a 01/01/2025 term expiration as nominated by the Appointment Committee.

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

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

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

ORDER 06-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Amanda Guerette to the Planning Board, as associate member, with a 01/01/2025 term expiration as nominated by the Appointment Committee.

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

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

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

ORDER 07-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Timothy DeRoche to the Planning Board, as associate member, with a 01/01/2026 term expiration as nominated by the Appointment Committee.

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

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

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

ORDER 08-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Danelle Martel to the Auburn Housing Authority Board of Trustees, with a 10/01/2027 term expiration.

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

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

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

ORDER 09-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Jeremiah Bartlett to the Complete Streets Committee with a 01/01/2026 term expiration.

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

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

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

ORDER 10-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Benjamin Weisner to the Age Friendly Community Committee with a 06/01/2023 term expiration.

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

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

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

ORDER 11-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Gerald Samson to the Regulatory Advisory Board with a 06/01/2024 term expiration.

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

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

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

ORDER 12-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Kirk Nadeau to the Auburn Lewiston Airport Board with a 01/01/2026 term expiration.

Passage on 10/17/2022, 7-0.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2022 **Order:** 13-01032023

Author: Sue Clements-Dallaire, City Clerk

Subject: Amending the postponement date of Order 165-12192022

Information: Order 165-12192022 allocating $145,000 of ARPA (American Rescue Plan Act) funds for the acquisition of the Shovel Ready Housing Plans that was presented at the 12/19/2022 City Council meeting was postponed until February 13, 2023. That is not a regular Council meeting date so staff is proposing that the date be changed from February 13, 2023 to February 21, 2023.

City Budgetary Impacts: N/A

Staff Recommended Action: Consider passage of the Order to change the postponement date.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 13-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby amends the postponement date of Order 165-12192022 from February 13, 2023 to February 21, 2023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

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

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 161-12192022*
Re-appointing Susan Clements-Dallaire, City Clerk as the Registrar of Voters for the City of Auburn for a two-year term which will expire on 12/31/2024.

2. Order 162-12192022*
Confirming Chief Moen's appointments of Civilian Process Servers for the Auburn Police Department and Constable Process Servers without firearm/arrest powers within the City of Auburn.

3. Order 163-12192022*
Re-appointing Bryan Bachelder as Auburn's Local Sealer of Weights and Measures with a term expiration of December 31, 2023.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the three consent items.

Passage 7-0.

II. Minutes – December 5, 2022 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the December 5, 2022 Regular Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Discussion with State Legislators -Representative Laurel Libby was present
- Planning Board Policy Violation Legal Opinion (150 Andrew Drive)
- Communication - Shovel Ready Housing Update (Eric Cousens)
- Council Communications (about and to the community)

Mayor Levesque, commented on the Christmas Village in Festival Plaza, and the New Year's Eve Auburn event that is scheduled to be held on December 31st.

Councilor Staples, commented on the Christmas tree lighting ceremonies in Festival Plaza and in New Auburn, and the Christmas Village in Festival Plaza, adding that it was a great time, and he noted that Public Works did a great job clearing roads after the storm.

Councilor Walker thanked everyone that came out for both holiday celebrations.

Councilor Morin reinforced the previous comments, noting that the festivities were awesome, well attended, and he gave thanks to city staff that were involved with the events and the storm clean up.

Councilor Whiting reported on Auburn Nordic Ski Association. You can register on-line at auburnnordicski.org, there is lots of snow, it's been groomed and it's beautiful.

Councilor Gerry thanked the Public Works Department for their efforts with the storm clean up.

City Manager Crowell thanked staff for their efforts with the storm, even with the staffing challenges, the team did a great job. He also commended the work done by the Sustainability and Natural Resource Management Board (SNRB) on the work they did on the ag zone as it pertains to income standards. He encouraged everyone to watch the presentation. It was clear, and they did a great job presenting. He also provided an update on the opioid settlement.

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

V. Unfinished Business - None

VI. New Business

1. Resolve 09-12192022
Supporting a "rail with trail" recommendation from the Rail Use Advisory Council.

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

Public comment – No one from the public spoke.

Passage 7-0.

2. Order 164-12192022
Directing the Planning Board to review unhoused/homeless shelter related uses in the City of Auburn Zoning Districts.

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

Public comment – Andy Titus, 24 Rubilite Lane, said that he is not in favor of sending this to the Planning Board adding that this is important, and we should not sit on this.

Motion was made by Councilor Whiting and seconded by Councilor to postpone this item until May of 2023.

Passage 7-0.

3. Order 165-12192022
Allocating $145,000 of ARPA (American Rescue Plan Act) funds for the acquisition of the Shovel Ready Housing Plans.

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

Public comment –

Ryan Smith, Auburn resident was unable to attend but provided written comments noting that he would like to see the Council reject this proposal and spend the ARPA money elsewhere and that he would like them to consider other measures to make building in Auburn more affordable.

Andy Titus, 24 Rubelite Lane, stated that he is against the proposal stating that it is unfair to anyone that wants to go through the normal process, there are costs and staff time involved, and it will be hard to police or control this.

Motion was made by Councilor Morin and seconded by Councilor Hawes to postpone until February 13, 2023.

Passage 7-0.

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

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported on the upcoming School Committee meeting scheduled for this Wednesday, where they will discuss dual enrollment.

City Manager Crowell provided an update on the holiday schedule. Next week Auburn Hall will be closed on Monday for the holiday, trash pickup will continue as scheduled.

Jill Eastman, Finance Director – November Finance Report

Motion was made by Councilor Whiting and seconded by Councilor Milks to accept and place on file the November finance report.

Passage 7-0.

IX. Executive Sessions

Contract negotiations, pursuant to 1 M.R.S.A. Section 405(6)(D), ***with possible action to follow.***

Motion was made by Councilor Walker and seconded by Councilor Morin to enter into executive session, pursuant to 1 M.R.S.A. Section 405(6)(D), with possible action to follow.

Passage 7-0. Time, 8:35 pm.

Council was declared out of executive session at 8:55 pm.

Order 166-12192022 authorizing the City Manager to execute a Memorandum of Agreement (MOA) for retention efforts and to reopen Patrol/Detective and Command Unit contracts for negotiation no later than February 1, 2023.

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

Public comment – No one from the public spoke.

Passage 7-0.

Economic development, pursuant to 1 M.R.S.A. Section 405(6)(C).

Motion was made by Councilor Milks and seconded by Councilor Whiting to enter into executive session**,** pursuant to 1 M.R.S.A. Section 405(6)(C). Mayor Levesque recused himself and stepped out of the room for the discussion.

Passage 7-0. Time 8:59 pm.

Council was declared out of executive session at 9:24 pm.

Economic development, pursuant to 1 M.R.S.A. Section 405(6)(C), ***with possible action to follow*****.**

Motion was made by Councilor Hawes and seconded by Councilor Walker to enter into executive session, pursuant to 1 M.R.S.A. Section 405(6)(C), with possible action to follow. Councilor Milks recused himself and stepped out of the room for the discussion.

Passage 7-0. Time 9:24 pm.

Council was declared out of executive session at 9:48 pm.

Order 167-12192022 authorizing the City Manager to execute a purchase and sale agreement with Highgate Development, LLC. for the purchase of 15 Academy Street (Auburn Tax Parcel 230-132) and 261 Main Street (Auburn Tax Parcel 231-004) for $50,000.

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

Passage 6-0-1 (Councilor Milks abstained).

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

Motion was made by Councilor Whiting and seconded by Councilor Staples to enter into executive session, pursuant to 1 M.R.S.A. Section 405(6)(C).

Passage 7-0. Time 9:49 pm.

Council was declared out of executive session at 10:00 pm.

X. Adjournment - Motion was made by Councilor Hawes and seconded by Councilor Morin to adjourn. Unanimously approved and the meeting adjourned at 10:00 pm.

A TRUE COPY ATTEST_____

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 1/3/2022 **Order:** 14-01032023

Author: Brian Wood, Assistant City Manager

Subject: Land Acquisition for Public Safety Facilities Upgrade

---

Information:
The City of Auburn is taking another step towards the modifying the aging infrastructure of the city's public safety buildings. Through the acquisition of additional land the existing locations will remain public safety locations while allowing for new upgraded facilities to meet the current and future demands of staff and public safety vehicles.

City Budgetary Impacts:
N/A ARPA Funds recommended

Staff Recommended Action:
Staff recommends supporting this purchase

Previous Meetings and History:
N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 14-01032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby directs the City Manager to acquire the necessary property to optimize a new Engine 2 station and authorizes up to $25,000 from the American Rescue Plan Act (ARPA) funds in support of this initiative.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2023 **Order:** 15-01032023

Author: Brian Wood, Assistant City Manager

Subject: Modifying IT ARPA allocation to include website redesign

---

Information: In February, Council passed an order (Order 22-02072022) allocating $350,000 for a number of new software's including, permitting software, document digitization and assessing software as well as and it's implementation. The implementation of these projects is ongoing, however the City would like to include website redesign to the list of projects. This project is in the early stages, however the current host will no longer be supporting the City's website. Additionally, it has been approximately 10 years since the website was redesigned and is due for an upgrade and increased integration with new software's for ease of use for residents and businesses. This amendment will allow for already allocated funds to be used towards this effort.

City Budgetary Impacts: N/A

Staff Recommended Action: Staff recommends the modification

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 15-01032022

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby amends Order 22-02072022 previously adopted on 2/7/2022 as follows:

ORDERED, that the City of Auburn City Council hereby approves the allocation of $350,000.00 from the American Rescue Plan Act (ARPA) funding to support the replacement and upgrade of software's/ platforms including Energov, Patriot, ~~and~~ record digitizing, website design, hosting and associated costs.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2023 **Ordinance:** 01-01032023

Author: Phil Crowell, City Manager

Subject: Ordinance Amendment Chapter 16 Emergency Management - Security Systems

---

Information: The City of Auburn has approximately 650 active security system permits issued. The ordinance requires a $5.00 annual renewal fee on each system. After reviewing the revenue for the annual renewal and the cost to bill, process, and collect unpaid invoices, staff has determined this fee puts an unneeded impact on system owners and the time allocated by staff for this function could be better used. A renewal application rarely has any changes. The initial purpose for permitting a security system is still important for the proper response to alarms and necessary to bill for false alarms. The need to respond for false alarms continues to be reduced because of the fine structure.

Revenue
Approximately 30 new applications are received annually = $900.00
Renewal of 650 permits at $5.00 = $3,250.00
False Alarms Fines = $14,000.00

Renewal Expenditures Only
Paper and Postage = $823.00
Staff Processing = $1,263.50

City Budgetary Impacts: Revenue reduction of $3,250.00 for renewals, not including any late fines or collection costs.

Staff Recommended Action: Approve the ordinance amendment.

Previous Meetings and History: N/A

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ARTICLE III. SECURITY SYSTEMS

Sec. 16-47. Definitions.

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

Alarm site means a single premises or location served by an alarm system.

Alarm system means a device or system which transmits a signal intended to summon aid in a robbery, burglary, or personal hostage situation. The term "alarm system" does not include a system installed on a vehicle, personal safety alarm device, or a system designed to alert only the persons within a premises which does not emit a signal visible or audible outside of the premises.

Chief means the chief of police of the city or his authorized representative.

False alarm notification means an alarm notification to the police department when the responding personnel find no evidence of actual or attempted robbery, burglary, or personal hostage.

Local alarm means an alarm system that emits a signal at an alarm site which is audible or visible from the exterior of the alarm site.

(Ord. of 10-1-2007(01), § 2.1)

State law reference(s)—Security system defined, 32 M.R.S.A. § 9403(10).

Sec. 16-48. Permit required.

The owner or person in control of a premise commits an offense if he installs an alarm system or possesses an activated alarm system without first obtaining a permit from the chief. A separate permit is required for each alarm site.

(Ord. of 10-1-2007(01), § 2.2)

Sec. 16-49. Application; false statements; issuance; transferability; permit fees.

(a) The application for a permit shall contain the following information:

(1) Name, business address, home address, business telephone number, and home telephone number of the person in whose name the permit is requested;

(2) Name, business telephone number, and home telephone number of two persons who are authorized and have agreed to receive notification at any time from responding police personnel to come to the alarm site within 30 minutes after receiving such notification;

(3) Classification of the alarm site as residential, commercial or banking institution;

(4) Purpose of the alarm (i.e. burglary, robbery);

(5) Any other information required by the chief to ensure compliance with all provisions of this article.

(b) The permit holder shall notify the chief of any change in the information contained in the application within five days of such change.

(c) If the application complies with all requirements of this article, the chief shall issue a permit upon receipt of a permit fee in the amount provided in the city fee schedule.

(d) Any false statement of a material nature made by an applicant for the purpose of obtaining a permit shall be grounds for denial of the issuance of the permit, or cancellation of the permit if it has been issued.

(e) A permit is not assignable or transferable to another person.

(f) A permit shall be valid until the property ownership is transferred or the system is eliminated. ~~for the period of January 1 through December 31 of the same year issued. However, if a permit is obtained after December 1, the permit shall be valid through December 31 of the next calendar year. Permits expire on December 31. After expiration, a new application must be made.~~

(g) ~~Permit renewals for the next calendar year shall start on December 1 of the year of expiration. Renewals may be made on weekdays during normal business hours in person, by telephone, or by mail. A renewal fee in the amount provided in the city fee schedule will be charged if renewal occurs before expiration. There will be an additional charge in the amount provided in the city fee schedule for renewals made after December 31.~~

(Ord. of 10-1-2007(01), § 2.3)

Sec. 16-50. Automatic shutoff required.

In the event that a mechanism sounds an alarm signal for longer than 15 minutes after being activated, the chief of police or his designated representative is authorized to disable the alarm. All costs of the city in disabling such an alarm shall be assessed to the operator of the alarm system and shall be paid to the city within 30 days after the operator has received notice that the said costs have been assessed. Application for a permit under the provisions of this section constitutes a grant of approval by the operator of the alarm system for the city to deactivate the local alarm system under the provisions of this section.

(Ord. of 10-1-2007(01), § 2.4)

Sec. 16-51. Maintenance of system.

The permit holder shall maintain the alarm system in such a manner as to ensure proper operation and to minimize false alarm notifications.

(Ord. of 10-1-2007(01), § 2.5)

Sec. 16-52. Reporting of alarm signals.

(a) A permit holder commits an offense if he allows alarm signals to be reported through a relaying intermediary that is not licensed to legally provide such service.

(b) A permit holder or other party commits an offense if they allow an alarm signal to be reported through an automatic dialing system directly to the police department other than through the installed alarm console.

(Ord. of 10-1-2007(01), § 2.6)

Sec. 16-53. Indirect alarm reporting.

A person who is engaged in the business of relaying alarm notifications to the city shall:

(1) Send notification of an alarm to the city by an individual;

(2) Keep his business premises locked and secured at all times;

(3) Allow an inspection of his business premises by authorized agents of the police chief;

(4) Report alarms only to a telephone number designated by the city;

(5) Send alarm notifications to the city in a manner and form determined by the city; and

(6) Maintain sufficient staff to ensure that valid alarms are relayed immediately to the city.

(Ord. of 10-1-2007(01), § 2.7)

Sec. 16-54. Alarm dispatch records.

The chief shall maintain a written record of all alarm notifications, including, but not limited to, the following:

(1) Name of permit holder;

(2) Location of alarm site;

(3) Date and time of alarm notification;

(4) Name of the responding police officer in charge of response;

(5) Weather conditions; and

(6) Whether the notification was a false alarm notification.

(Ord. of 10-1-2007(01), § 2.8)

Sec. 16-55. False alarm notification—Determination.

(a) The chief shall not consider an alarm notification to be false if he determines that the alarm was caused by:

(1) A natural or manmade disaster;

(2) Severe weather that causes physical damage to the premises;

(3) Vandalism;

(4) Telephone line outage;

(5) Attempted entry or attempted robbery; or

(6) Accidental activation by the occupant provided the alarm is immediately reported to the police department.

(b) The determination of the chief in classifying an alarm notification as false or actual is final.

(Ord. of 10-1-2007(01), § 2.9)

Sec. 16-56. Same—Penalty.

(a) The permit holder shall pay a penalty of $30.00 beginning with the third and fourth false alarm notification (the first two are at no charge); an additional fee of $50.00 will be assessed for the fifth and sixth false alarm and all subsequent false alarms will be assessed at $100.00.

(b) The time period for alarms will be from the beginning of the permit period.

(c) The police department shall, on a monthly basis, send to the permit holder, at the address stated on the application, a statement of fees due. The permit holder shall pay such fees within 30 days of the date of the statement and shall be delinquent after such 30-day period.

(Ord. of 10-1-2007(01), § 2.10)

State law reference(s)—False alarms or reports, 17A M.R.S.A. § 509.

Sec. 16-57. Revocation of permit.

The chief shall revoke an alarm permit if he determines that:

(1) There is a false statement of a material nature in the application for a permit;

(2) The permit holder has violated any provision of this article; or

(3) The permit holder is delinquent in payment of fees for false alarm notifications.

(Ord. of 10-1-2007(01), § 2.11)

Sec. 16-58. Appeal from denial of issuance or revocation of permit.

(a) If the chief denies the issuance of a permit, or suspends a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action setting forth the reason for such action and advising the applicant or permit holder of the right to an appeal. The applicant or permit holder may appeal the decision of the chief to the city manager by filing with the city manager's office a written request for a hearing, setting forth his objections to the action of the chief, within ten days after receipt of the notice from the chief. The filing of a request for an appeal hearing with the city manager shall stay the action of the chief in denying the issuance of or suspending a permit until a final decision on the appeal is made by the city manager. If a request for an appeal hearing is not made within the ten-day limit, the action of the chief is final.

(b) The city manager or his designee shall preside at any administrative hearing conducted under the provisions of this section and shall consider evidence offered by any interested person. The formal rules of evidence shall not apply at such hearing. The city manager shall render a written decision setting forth findings of fact and conclusions of law within 30 days after the request for an appeal hearing is filed. Such decision shall affirm, reverse, or modify the action of the chief, and the city manager decision is final.

(Ord. of 10-1-2007(01), § 2.12)

Sec. 16-59. Violations; penalties.

A person commits an offense if he violates by commission or omission (nonregistration of alarm) any provisions of this article that impose upon him a duty or responsibility, other than false alarms. Each day or portion

of a day in which the violation exists or is committed shall constitute a separate offense. Each offense other than false alarms is punishable by a fine in the amount of $100.00.

Appendix A FEES AND CHARGES[1]

Administrative

Notary fee10.00

Copy fee, per page (8.5 x 11 black and white)0.10

Animals

Dog license fees:

Unaltered dog—annually11.00

Spayed/neutered dog—annually6.00

Late fee after January 3125.00

Impoundment fee—each50.00

Additional per day for boarding feeTBD

Dangerous dog registration fee—annually100.00

Buildings and Building Regulations

Building permit—single-family:

New construction, additions and mobile homes25.00

Accessory structure25.00

Renovation < $4,000.0025.00

Renovation > $4,000.0025.00 base + 5.00 per $1,000.00 value

Building permit—multi-family:

New construction and additions30.00 base + 0.30 per sf

Renovations30.00 base + 5.00 per $1,000.00 value

[1]Editor's note(s)—Ord. No. 35-10182021, adopted November 1, 2021, repealed app. A and enacted a new app. A as set out herein and later amended. Former app. A pertained to similar subject matter and derived from an Ord. adopted May 2, 2011; Ord. No. 12052011-04, adopted December 5, 2011; Ord. No. 02-03052012, adopted March 19, 2012; Ord. No. 58-07152013, adopted July 15, 2013; Ord. No. 12-06152015, adopted July 6, 2015; Ord. No. 13-06152015, adopted July 6, 2015; Ord. No. 02-02222016, adopted March 7, 2016; Ord. No. 01-02242020, adopted March 2, 2020; Ord. No. 07-10192020, adopted November 2, 2020; Ord. No. 17-03012021, adopted March 15, 2021.

Editor's note(s)—All fees in this schedule that are calculated per a unit of time, distance, or other measurement shall be construed to include any portion of such unit. The acronym "TBD" as used herein means "to be determined" and denotes an amount that has not yet been determined by the city council or that may have been determined but not yet included in a supplement to this schedule. The acronym "NA" as used herein means "not applicable" and indicates a fee that is not associated with a particular code section but with the code chapter contents generally.

Building permit—commercial:

*New construction for agricultural building for the storage of crops, housing of livestock are excluded from the building permit fees. This exclusion does not apply to marijuana.

New construction30.00 base + 0.35 per sf (per floor)

Renovation30.00 base + 7.00 per $1,000.00 value

Foundation only30.00 base + 5.00 per $1,000.00 value

New construction of agricultural buildings for the storage of crops or housing of livestock, excluding marijuana25.00 base + 0.07 per sf

Building permit—swimming pools:
*This includes electrical inspection.

Above ground and in-ground pools50.00

Building permit—other:

Fences25.00
..... (6 ft or higher)

Underground storage tanks50.00
..... (first tank) +
..... 15.00 (additional tanks)

Moving building100.00

Driveways25.00

Change of use40.00

Certificate of occupancyIncluded in permit
..... ($260.00 penalty)

Signs25.00 base + 0.50 per sf

Banners, for seven-day period not to exceed 14 days250.00

Demolition:

Interior demolition not in conjunction with a construction project50.00

< 5,000 sf50.00

> 5,000 sf250.00

Belated fee:

The customary permit fee shall double where work commences prior to the issuance of the appropriate permits.

Building permit fee reimbursement policy:

In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the director of planning and permitting for the reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75 percent of the permit fee will be reimbursed. The city shall retain 25 percent of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

Plumbing fees:

Internal plumbing:

Per fixture (subject to minimum below)9.00

Minimum36.00

Subsurface wastewaterTBD

Nonengineered systems150.00

Field only100.00

Treatment tank only (non-engineered)75.00

Engineered system300.00

Treatment tank only (engineered)120.00

Holding tank150.00

Other system components50.00

Separate laundry disposal field50.00

Seasonal conversion75.00

Variance50.00

Primitive system (including 1 alt wc)150.00

Alternative toilet only75.00

Electrical inspections:

MinimumTBD

Residential32.00

Commercial42.00

Single and multifamily dwellings—per unit (includes service/openings)—each58.00

All temporary services30.00

Services—single phase—panel and meter:

Base fee—up to 100 amps (includes cable hookup)12.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus-subpanels—up to 100 amps7.00

Plus-subpanels—each additional 100 amps or fraction10.00

Services—three phase—panels:

Base fee—up to 100 amps (includes cable hookup)30.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus—subpanels, up to 100 amps10.00

Plus-subpanels—each additional 100 amps or fraction10.00

Wiring openings (total outlets, lights and switches—120 volt):

1—20 openings15.00

21 to 50 openings20.00

51+ openings0.50
..... per opening

Appliances in new locations—120 volts—compactors, dishwashers, disposals, air conditioners, etc.5.00

Appliances in new locations—240 voltsTBD

Ranges, ovens, water heaters, dryers, air conditioners, etc.10.00

Domestic heat:

Electric—per kilowatt3.00

Gas, oil, central air, other12.00

Manufactured dwellings—per unit (includes service equipment)42.00

Circuses, carnivals, fairs, festivals, etc.75.00 flat fee

Transformers, generators and UPS (battery backup)25.00 flat fee

Alarm system (copper or fiber):

Fire, burglar—base fee18.00

Plus—per outlet over first 10 outlets0.50

Other low voltage system (computer, phone, cable, satellite dish, sound, closed circuit television, etc.)—base fee18.00

Plus—per outlet over 10 outlets0.50

Motors:

< 25 HP12.00

Plus—for each 5 HP or fraction thereof over 25 HP2.00

Signs (one time fee):

Portable, mobile, permanent—each sign25.00

Emergency lighting battery pack unit—each7.00

Water, sewer, gas or wall pump—each10.00

State business licensing inspections—each40.00

Annual industrial electrical permit—does not include new structures or additions250.00

Fire alarm box connection—annually:

DET electronic units400.00

Mechanical box connections425.00

Belated electrical permit fee—within one calendar year:

First offense100.00

Second offense200.00

Third offense400.00

Fourth offense800.00

Fifth and subsequent offenses—each1,600.00

Inspections and department call outs after normal business hours-minimum (additional time beyond three hours shall be calculated at time plus one-half for the on call electrician)150.00

Notice of intent to sell, transfer or rent property subject to order:

Violation of section 12-199:

Not less than50.00

Not more than100.00

Businesses and Business Regulations

Lodginghouse, Boardinghouses, rooming houses, hotels, motels, etc.—annually100.00
..... flat fee

Outpatient addiction treatment clinic—annually200.00

Closeout sales (30-A M.R.S.A. § 3781)—maximum of one per business up to 60 days20.00

Massage licenses—annually:

Establishment (more than one therapist)—annually150.00

Therapist—annually, plus cost of background check)150.00

Solicitation permit (issued by police department)0.00 each

Mobile or itinerant vendor permit (door-to-door sales):

One year100.00

Mobile food distribution unit (roving diner):

Twelve months100.00

Vendor use of city property (each three-month period)50.00

Peddlers:

Per event75.00

30-day permit100.00

Agricultural barn sales—each (maximum of one three-day permit per month between the months of April and October)15.00

Garage sales—each (maximum of two three-day permits within six months):

On-line issuance0.00

In office issuance0.00

Secondhand dealer license—annually100.00

Pawnbroker license—annually plus actual cost of advertising hearing100.00

Junkyard/automobile graveyard (no on-line license)—annually plus actual cost of advertising hearing:100.00

Taxicabs:

Taxicab business license—annually100.00

Call-out inspection fee (establishment requested outside normal hours)—each, plus inspector's overtime hourly rate100.00

Re-inspection fee100.00

Flea market, craft fairs, swap meets, and bazaars:

One day event0.00
..... application only

Three months0.00
..... application only

Alcohol beverage establishments:

Class A lounge (liquor)—annually (plus actual cost of advertising hearing)1,000.00

1,300.00 flat fee

Tavern license—annually:

Up to 2,999 square feet150.00

250.00 flat fee

Liquor service approval (off-premises catering)—per event10.00

Food service establishments (plus actual cost of advertising hearing):

Class I (liquor—beer, wine and spirits, and mixed drinks)—annually500.00
..... flat fee

Class III/IV (liquor—beer and wine)—annually400.00
..... flat fee

Class IV (liquor—beer)—annually400.00
..... flat fee

Class on or off premises (no liquor)—annually200.00
..... flat fee

Bottle club/BYOB—annually200.00
..... flat fee

Temporary food service establishment—per event—maximum of 30 days60.00

Off premises retailer—annually200.00
..... flat fee

Adult amusement devices—each device annually1,100.00

Beano/bingo (EnerGov—no online license)No fee

Carnival, circus, or other traveling amusement—per day150.00

Coin-operated amusement device—annually—per device:

Per unit up to 10 devices0.00

Per unit for 10 or more devices0.00

Jukeboxes—each device—annually0.00

Motion picture theater—per screen—annually0.00

Pool halls—annually per table0.00

Roller skating rinks—annually:

With partial or full kitchen90.00

Dances and dancehalls—per event35.00

Mass gathering permit application fee—determined for each event (EnerGov—no on-line license)N/A

Tattoo (background check required):

Tattoo artist license fee—annually100.00

Tattoo exhibitions or shows—per event250.00

Race trackN/A

Special amusement (background check required)—annually plus cost of advertising hearing125.00

Game of chance (EnerGov—no on-line license):

Six months10.00

Up to three-year blanket approval20.00

Relicensing upon late renewal by any existing licensed business:

30—45 days late50.00

More than 45 days late100.00

Reoccurring 200.00

Emergency Management and Services

Security (alarm) system permit:

Initial issuance30.00

~~Annual renewal fee, if paid on or before December 315.00~~

~~Annual renewal fee, if paid after December 3130.00~~

Environment

Fill permit—original issuance:

Up to 7,000 square feet of fill area25.00

7,001 to 22,500 square feet of fill area35.00

Over 22,500 square feet of fill area50.00

Fill permit renewal—annually—if not delinquent0.00

Fire Prevention and Protection

Fire department services:

Reports—per copy10.00

Research—per hour (1 hour minimum)20.00

Old hose—per foot1.00

Coverage of a fire/EMS event—per person-per hour50.00 plus apparatus rate

Accident or fire photos—each—unless otherwise determined by fire chief10.00

Photos printed outside of agency—each—plus actual costs20.00

Environmental reviews—each20.00

Fireworks standby—per hour200.00

Training burns resulting in demolition2,500.00

Fire investigations—per hour100.00

Hazard material incidents:

Cost of response—see apparatus costs—plus cost of materials and supplies used.

Illegal/unauthorized burning response—per hour250.00

Out of control burn response:

Cost of response—see apparatus costs.

Vehicle accidents—per hour250.00

Extrication of patients from vehicle300.00

Spill control and clean-up100.00

Salvage calls—residential:

Labor—per hour150.00

Sump pump—each—per hour50.00

Salvage calls—commercial—per hour500.00

False alarms—received in one calendar year:

Second100.00

Increase in first alarm fee for each subsequent alarm100.00

Fireworks:

Use or possession with intent to use in the city:

First offense (plus costs):

Not less than200.00

Not more than400.00

Second and subsequent offenses (plus costs):

Not less than300.00 per violation

Not more than600.00 per violation

Sale or possession with intent to sell in the city:

First offense (plus costs):

Not less than500.00

Second and subsequent offenses (plus costs):

Not less than1,000.00 per violation

Apparatus rates: includes normal crew assignment

Engine—per hour250.00

Aerial device—per hour350.00

Rescue—per hour150.00

Boat—per hour150.00

Command unit100.00

Forestry/brush truck150.00

Solid Waste

Solid waste fees shall be as determined annually by the city council base on prior years' financial information.

Streets, Sidewalks and Other Public Places

Display of goods permit—each0.00

Excavation permits:

Minimum charge—single continuous work area10.00

Maximum charge—single continuous work area500.00

Street openings—per square foot:

Newly constructed, reconstructed or repaved street6.00

Paved streets5.00

Gravel streets and shoulders3.00

Construction areas (streets scheduled for full-depth construction5.00

Sidewalk openings—per square foot:

Concrete, brick, bituminous1.50

Other openings:

1.00 for all other materials

Entrance permit—each20.00

Private propertyN/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements2%

Private streets—as percentage of estimated costs of required public-type improvements2%

Special exceptions—the greater of:

Minimum200.00

Percentage of public type improvements2%

Traffic and Vehicles

Parade or procession permit—each0.00

Parking in city owned parking lot and mechanics row parking garage—monthly45.00

Zoning

Zoning text amendments:

Base fee—each application400.00

Additional for required advertising—each application300.00

Zoning map amendments:

Base fee—each application400.00

Additional for required advertising—each application300.00

Zoning board—appeals, interpretation, variance, conditional use permit, etc.:

Base fee—each application150.00

Additional for required advertising—each application200.00

Site plan review:

Minor projects—interdepartmental/staff review—each application200.00

Major projects and subdivision of existing structures—planning board review/special exceptions:

Base fee—each application500.00

Additional for required advertising200.00

Site plan amendment:

Minor projects—staff approved amendments—each100.00

Major projects—planning board approved—amendments:

Base fee-each application100.00

Additional for required advertising200.00

Subdivision review—new lots and structures:

First three lots750.00

Each additional lot over three100.00

Delegated review (in addition to site plan or subdivision fees when required)—includes one or all areas (stormwater, TMP, site law, etc.) 25% of the fee that would be charged by the state department of environmental protection and state department of transportation for the same permits based on state adopted fee schedules at the time of application.

Zoning conformance/rebuild letter—each50.00

Independent professional review feesTBD

Engineering inspection feesTBD

Required advertising (unless otherwise specifically provided above)100.00

Other General Information:

- Applicants are responsible for the cost of all public hearing advertisements and background checks required for various licenses. Failure to list that additional expense in the fee schedule shall not eliminate that requirement from the licensing process.
- Applicants are responsible for providing background checks, not older than 3 days prior to submission of application for all licenses that require such checks or, alternatively, applicants may pay $100.00 to the city with the application to cover the cost of the background check.
- License fees established in this appendix include two routine or pre-operational inspections and one follow-up inspection. When additional inspections are required, the city may charge an additional $100.00 per inspection to cover the costs of each additional inspection or visit.
- All first time applications must be made in person, unless otherwise specifically stated herein.
- All on-line licenses will receive a 10% discount unless otherwise indicated herein.
- No on-line renewal of liquor licenses, special amusement licenses, or tattoo or massage licenses is permitted.
- Residential construction. A veteran/widow/widower of a veteran or contractor on behalf of a veteran/widow/widower of a veteran seeking to build new construction or to rehabilitate an existing property will have all fees waived/reimbursed at time of permit approval. This applies to owner occupied single family and multifamily units, up to 3 unit structures. This does not apply to state fees administered by the city.
- Commercial construction. A veteran owned business* or subcontractor hired by a veteran owned business*, will be entitled to a 50% fee reduction/reimbursement for new construction or rehabilitation of an existing property at the time of permit approval. This does not apply to state fees administered by the city.

  * Veterans honorably discharged from federal service, must present DD-214 to economic, and community development office for fees to be waived.

  ** Veteran owned business as defined by the SBA being a corporation in which 51% of the shares of the company are owned by a veteran.

(Ord. No. 35-10182021, 11-1-2021; Ord. No. 48-12062021, 12-20-2021; Ord. No. 04-02072022, 2-7-2022)

ORDINANCE 01-01032023

City Council Ordinance

IN CITY COUNCIL

Amending the Code of Ordinances, Sec. 16-49. Security Systems and Appendix A Fees and Charges, Emergency Management and Services

Be it ordained, that the City Council hereby amends the Code of Ordinances, Sec. 16-49. Security Systems as follows:

Sec. 16-49. Application; false statements; issuance; transferability; permit fees.

(a) The application for a permit shall contain the following information:

(1) Name, business address, home address, business telephone number, and home telephone number of the person in whose name the permit is requested;

(2) Name, business telephone number, and home telephone number of two persons who are authorized and have agreed to receive notification at any time from responding police personnel to come to the alarm site within 30 minutes after receiving such notification;

(3) Classification of the alarm site as residential, commercial or banking institution;

(4) Purpose of the alarm (i.e. burglary, robbery);

(5) Any other information required by the chief to ensure compliance with all provisions of this article.

(b) The permit holder shall notify the chief of any change in the information contained in the application within five days of such change.

(c) If the application complies with all requirements of this article, the chief shall issue a permit upon receipt of a permit fee in the amount provided in the city fee schedule.

(d) Any false statement of a material nature made by an applicant for the purpose of obtaining a permit shall be grounds for denial of the issuance of the permit, or cancellation of the permit if it has been issued.

(e) A permit is not assignable or transferable to another person.

(f) A permit shall be valid until the property ownership is transferred or the system is eliminated. ~~for the period of January 1 through December 31 of the same year issued. However, if a permit is obtained after December 1, the permit shall be valid through December 31 of the~~

City Council Ordinance

~~next calendar year. Permits expire on December 31. After expiration, a new application must be made.~~

~~(g) Permit renewals for the next calendar year shall start on December 1 of the year of expiration. Renewals may be made on weekdays during normal business hours in person, by telephone, or by mail. A renewal fee in the amount provided in the city fee schedule will be charged if renewal occurs before expiration. There will be an additional charge in the amount provided in the city fee schedule for renewals made after December 31.~~

(Ord. of 10-1-2007(01), § 2.3)

Appendix A FEES AND CHARGES

Emergency Management and Services

Security (alarm) system permit:

~~Initial issuance~~ Issuance 30.00

~~Annual renewal fee, if paid on or before December 31 $5.00~~

~~Annual renewal fee, if paid after December 31 $30.00~~

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Workshop & Meeting
Agenda
January 17, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

- **A.** Lake Auburn Watershed – Eric Cousens
- **B.** Council Vision & Goals Update – Phil Crowell
- **C.** Tax Increment Financing Presentation – Glen Holmes
- **D.** Executive Session, Labor Negotiations (Fire), pursuant to 1 M.R.S.A. §405(6)(D).
- **E.** Executive Session, Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

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

Pledge of Allegiance

I. **Consent Items** - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 16-01172023***
Re-appointing Karen Scammon as the City Assessor with a term expiration of 01/31/2028.

2. **Order 17-01172023***
Confirming Chief Moen's appointment of Nathaniel Aronson as Constable with Firearm for the Auburn Police Department.

II. **Minutes –** January 3, 2023 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

- Library Presentation
- Business License Denial – 1800 Club, LLC
- Council Communications (about and to the community)

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

V. Unfinished Business

1. Order 160-12052022
Allocating up to $180,000 from the American Rescue Plan Act (ARPA) funds for the purchase of a portable Stage.

2. Ordinance 01-01032023
Amending the Code of Ordinances, Sec. 16-49, Security Systems and Appendix A, Fees and Charges under Emergency Management and Service, removing the renewal requirement and associated fee. Public hearing and second reading.

3. Ordinance 24-12052022
Zoning Map Amendment - Amending a portion of 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), and Low-Density Country Residential (LDCR), zoning districts to the Suburban Residential (SR) as recommended by the Planning Board. First Reading.

VI. New Business

1. Order 18-01172023
Directing the Planning Board to provide a recommendation on a zoning text and map amendment prohibiting any future residential structures and animal farms within the portion of the Lake Auburn watershed zoned "Agriculture and Resource Protection".

2. Order 19-01172023
Directing the Planning Board to provide a recommendation for a zoning amendment that will prohibit any future subsurface wastewater disposal within 300' of Lake Auburn.

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

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. Jill Eastman, Finance Director – December Finance Report

IX. Executive Sessions – None

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023

Author: Eric Cousens, Director of Planning and Permitting

Subject: Lake Auburn Workshop –Updates and discussion

Information: In the City's continuing effort to pursue strong, transparent, easier to understand watershed protection regulations that reduce development potential and hold any developments within the Lake Auburn Watershed to a higher science-based standard for phosphorus control and wastewater disposal there are two new items under consideration tonight in the regular meeting. This workshop will allow staff to give the Council and update, review those proposed Orders and answer questions.

City Budgetary Impacts: None.

Staff Recommended Action:
Discuss Lake Auburn watershed related ordinance changes.

Previous Meetings and History: Many over the last 2 years.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: See attachments (also included for action under new Business).

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), one-family detached dwellings are only permitted in the Lake Auburn Watershed District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip 50 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) *Municipal and manure sludge disposal.* All spreading and disposal of municipal sludge shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the water district. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the city water district indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private sewage disposal systems.* The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:

(1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the

subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.

(2) No subsurface absorption area shall be installed closer than 400 feet w~~W~~ithin areas containing soils described as deep, ~~loose~~ and sandy or gravelly and which contain ~~more than 70 percent~~ sand or gravel outwash or stratified drift as shown on table 4D (profiles 5 or 6 and some 11) of the State of Maine Subsurface Wastewater Disposal Rules 10-144, Chapter 241.~~9-3 of the state plumbing code, part II (April 25, 1975),~~ N~~n~~o subsurface absorption area shall be installed closer than 300 feet to the normal high-water mark of Lake Auburn~~any lake, pond, or year-round or intermittent stream~~. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) The city water district shall have the right to inspect any system within the Lake Auburn Watershed District during its construction and operation and may notify the health office, police chief, local plumbing inspector or housing inspector who shall require the abatement of such defects or malfunctions.

(4) The local plumbing inspector shall furnish a copy of all site investigation reports in the Lake Auburn Watershed District to the city water district.

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023

Author: Phil Crowell, City Manager

Subject: Council Vision, Goals, and Goal Statements

Information:

On November 8, 2021, the newly elected council members and mayor participated in a retreat to establish a vision and goals for the 2021 – 2023 term. At the January 18, 2022 workshop, staff provided the council with goal statements that were brought in from the Strategic Plan. At the council retreat on November 14, 2022, the council reviewed these goals and staff shared that a written update would be presented in January 2023.

The updated goal sheet will be provided during the presentation.

City Budgetary Impacts: None

Staff Recommended Action: None

Previous Meetings and History: November 8, 2021 - Council Retreat, January 18, 2022 – Workshop

---

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023

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

Subject: Tax increment Financing (TIF) Process Overview

Information: Staff will review what Tax Increment Financing is, how it works and how Credit Enhancment works with the TIF program.

City Budgetary Impacts: NONE

Staff Recommended Action: NONE

Previous Meetings and History: NONE

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: NONE

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023

Author: Sue Clements-Dallaire, City Clerk

Subject: RE-appointment of Karen Scammon as City Assessor

Information: The appointment term for Karen Scammon, City Tax Assessor, expires 1/31/2023. The City is required to have a Tax Assessor to do the annual tax commitment and to perform other functions as required by State Statute. Section 2-255 of our City Ordinance states:

"The Tax Assessor shall be appointed by the City Council on the recommendation of the City Manager. The Tax Assessor shall be appointed for a term not to exceed five years."

City Budgetary Impacts: None

Staff Recommended Action: Consider passage

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Law reference Title 30A §2552(C)

(3) The name of the person who administered the oath; and

(4) The date when the oath was taken.

B. The clerk shall be sworn to accurately record the votes of town meetings and to discharge faithfully all the other duties of that office, until another clerk is elected and sworn.

C. After the town meeting, the clerk shall immediately issue a warrant directed to a constable containing the names of persons chosen for office who have not been sworn.

(1) The constable shall immediately summon the named persons to appear before the clerk within 7 days from the time of notice to take the oath of office.

(2) The constable shall make a return immediately to the clerk.

(3) The town shall pay the constable a reasonable compensation for these services.

D. The clerk shall record the election or appointment of each official or deputy, including the clerk's own, and the other information specified in paragraph A.

E. A record by the clerk that a person was sworn for a stated town office is sufficient evidence that the person was legally sworn for the office. The entire oath need not be recorded.

TITLE 30-A
MUNICIPALITIES AND COUNTIES
CHAPTER 121
MEETINGS AND ELECTIONS

30A § 2551. Warrant for city election; conduct of election

Each city election shall be called by a warrant. The warrant must meet the requirements listed in section 2523. An attested copy shall be posted in a conspicuous, public place in each ward.

30A § 2552. Designation of officials

1. **Assessors and assistant assessors.** The following provisions apply to assessors and their assistants.

A. Assessors and their assistants shall be chosen annually on the 2nd Monday of March to serve for one year and until others are chosen and qualified in their places, unless the city charter provides otherwise.

B. In addition to the assistant assessors chosen under a city charter, the municipal officers may authorize the assessors to appoint any necessary assistants to serve during the municipal year in which they are appointed.

C. Notwithstanding the provisions of any city charter to the contrary, the city council, by ordinance, may provide for a single assessor whose powers and duties are the same as for towns, and who is appointed for a term not exceeding 5 years.

DIVISION 7. - TAX ASSESSOR

Footnotes:
*--- **(10)** ---*
***State Law reference**— Powers and duties of municipal tax assessors, 36 M.R.S.A. § 701 et seq.*

Sec. 2-255. - Appointment; term.

The tax assessor shall be appointed by the city council on the recommendation of the city manager. The tax assessor shall be appointed for a term not to exceed five years.

(Code 1967, §§ 5-1.1, 5-1.2; Ord. No. 12-03212022, 4-4-2022)

Sec. 2-256. - Powers and duties.

(a) The tax assessor shall be the administrative head of the assessing operations in the finance department and shall, with the approval of the city manager, have power to appoint such assistants as he may require and as shall from time to time be authorized by the city council. The tax assessor will be a direct report to the finance director.

(b) The tax assessor shall have those powers and perform those duties established by state statute for assessors and boards of assessors.

(Code 1967, § 5-1.3; Ord. No. 08-02022015, 2-17-2015)

Secs. 2-257—2-275. - Reserved.

ORDER 16-01172023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Karen Scammon as the City Assessor with a term expiration of 01/31/2028.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023 **Order:** 17-01172023

Author: Jason D. Moen, Chief of Police

Subject: Confirming Chief Moen's appointment of Nathaniel Aronson as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Nathaniel Aronson as a Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Nathaniel Aronson as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
N/A

ORDER 17-01172023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Chief Moen's the appointment of Nathaniel Aronson as Constable with firearm/arrest powers for the Auburn Police Department.

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

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

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

IN COUNCIL REGULAR MEETING JANUARY 3, 2023, VOL. 37 PAGE 1

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

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 01-01032023***
Confirming Chief Moen's appointments of Steven Friedrich, William Howard, James Clement, and Joshua Croswell as Constable with Firearm for the Auburn Police Department.

2. **Order 02-01032023***
Re-appointing Darren Finnegan to the Planning Board, full member, with a term expiration of 1/1/2026.

3. **Order 03-01032023***
Appointing Paul Jacques to the Planning Board, full member, with a term expiration of 1/1/2026.

4. **Order 04-01032023***
Re-appointing Stacey LeBlanc to the Planning Board, full member, with a term expiration of 1/1/2026.

5. **Order 05-01032023***
Appointing David Trask to the Planning Board, full member, with a term expiration of 1/1/2025.

6. **Order 06-01032023***
Appointing Amanda Guerette to the Planning Board, associate member, with a term expiration of 1/1/2025.

7. **Order 07-01032023***
Appointing Timothy DeRoche to the Planning Board, associate member, with a term expiration of 1/1/2026.

8. **Order 08-01032023***
Re-appointing Danelle Martel to the Auburn Housing Authority Board of Trustees, with a term expiration of 10/01/2027.

9. **Order 09-01032023***

Re-appointing Jeremiah Bartlett to the Complete Streets Committee, with a term expiration of 1/1/2026.

10. **Order 10-01032023***
Appointing Benjamin Weisner to the Age Friendly Community Committee, with a term expiration of 6/1/2023.

11. **Order 11-01032023***
Appointing Gerald Samson to the Regulatory Advisory Board, with a term expiration of 6/1/2024.

12. **Order 12-01032023***
Appointing Kirk Nadeau to the Airport Board, with a term expiration of 1/1/2026.

13. **Order 13-01032023***
Amending the postponement date of order 165-12192022 to February 21, 2022 instead of February 13, 2022.

Motion was made by Councilor Walker and seconded by Councilor Morin for passage of the consent items.

Councilor Whiting asked that Orders 05-01032023, 06-01032023, and 07-01032023 be removed from the consent agenda and placed under new business for discussion.

Passage of the remaining consent items, 6-0.

II. **Minutes** – December 19, 2022, Regular Council Meeting

Motion was made by Councilor Hawes and seconded by Councilor Staples to approve the minutes of the December 19, 2022 Regular Council Meeting.

Passage 6-0.

III. **Communications, Presentations and Recognitions**

- LA 9-1-1 Presentation
- Presentation of Recreation Non-Profit Groups
    - Auburn Suburban Baseball & Softball
    - Phoenix Karate
    - Auburn Ski Association
    - YMCA
- Council Communications (about and to the community)

Councilor Whiting reported that we should be hearing a fairly big announcement from Museum LA soon.

Councilor Walker reported back on the New Year's Day party that was held at the Senior Community Center.

Councilor Staples reported that he attended the New Year's Auburn event and thanked staff for their efforts.

City Manager Crowell also reported on the New Year's Eve event and thanked everyone that was involved.

Mayor Levesque also commented positively on the New Year's Eve event. He also noted that he is asking staff to put together an order for Council to review and vote on directing the Planning Board to recommend converting the agricultural & resource protection zone within the Lake Auburn Watershed into a city conservation zone.

IV. **Open Session** – Stephen Beal, Johnson Road commented on the Planning Board appointments that are on the agenda.

V. **Unfinished Business** - None

VI. **New Business**

1. **Order 14-01032023**
Directing the City Manager to acquire the necessary property to optimize a new Engine 2 station and allocating up to $25,000 from the American Rescue Plan Act (ARPA) funds in support of this initiative.

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

Public comment - No one from the public spoke.

Passage 6-0.

2. **Order 15-01032023**
Amending Order 22-02072022 to include website redesign and associated costs to the list of projects that were approved in the allocation of ARPA funds.

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

Public comment – No one from the public spoke.

Passage – 6-0.

3. **Ordinance 01-01032023**
Amending the Code of Ordinances, Sec. 16-49, Security Systems and Appendix A, Fees and Charges under Emergency Management and Service, removing the renewal requirement and associated fee. First Reading.

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

Public comment – No one from the public spoke.

Passage – 6-0. A roll call vote was taken.

Order 05-01032023
Appointing David Trask to the Planning Board, full member, with a term expiration of 1/1/2025. This item was removed from the Consent Agenda.

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

Public comment – No one from the public spoke.

Motion was made by Councilor Staples and seconded by Councilor Whiting to replace David Trask with Joshua Daigle for this position.

Motion failed 3-4 (there was a tie vote of 3-3 with Councilors Hawes, Morin, and Walker opposed, and in accordance with the City Charter, Article III, Section 3.3, Mayor Levesque voted to break the tie vote and voted in opposition).

Passage of Order 05-01032023 4-2 (Councilors Gerry and Whiting opposed).

Order 06-01032023
Appointing Amanda Guerette to the Planning Board, associate member, with a term expiration of 1/1/2025. This item was removed from the Consent Agenda.

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

Public comment – Stephen Beal, 575 Johnson Road, commented that it would be of interest to the public to know if someone has resigned or reached their term limits.

Motion was made by Councilor Whiting and seconded by Councilor Gerry to replace Amanda Guerette with Stanwood Gray for this position.

Motion failed 3-4 (there was a tie vote of 3-3 with Councilors Hawes, Morin, and Walker opposed, and in accordance with the City Charter, Article III, Section 3.3, Mayor Levesque voted to break the tie vote, and voted in opposition).

Passage of Order 06-01032023 4-3 (there was a tie vote of 3-3 with Councilors Gerry, Whiting, and Staples opposed, and in accordance with the City Charter, Article III, Section 3.3, Mayor Levesque voted to break the tie vote, voting in the affirmative).

Order 07-01032023
Appointing Timothy DeRoche to the Planning Board, associate member, with a term expiration of 1/1/2026. This item was removed from the consent agenda.

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

Public comment – No one from the public spoke.

Motion was made by Councilor Staples and seconded by Councilor Whiting to replace Timothy DeRoche with Joshua Daigle for this position.

Motion failed 3-4 (there was a tie vote of 3-3 with Councilors Hawes, Morin, and Walker opposed, and in accordance with the City Charter, Article III, Section 3.3, Mayor Levesque voted to break the tie vote, and voted in opposition).

Passage of Order 07-01032023 6-0.

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

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported on the dual enrollment program for Edward Little High School students.

Councilor Morin reported that he is excited about this project, and he gave special thanks to the Central Maine Community College staff, particularly Andrew Morong, and his team.

Councilor Whiting commented on an experience he had while in high school and stated that it will be great for students to have this opportunity.

Manager Crowell thanked Mr. DeRoche for coming to the meeting tonight and for applying to serve on the Planning Board position. There will be a legal consultation for new Planning Board members that will be held tomorrow night. He also said that moving forward, we will include information in the Appointment Committee minutes when a position is vacant due to a resignation or term expiration. He also provided an update on staffing and hiring of police officers.

IX. Executive Sessions – Legal Matter, pursuant to 1 M.R.S.A. §405(6)(E). This item was taken up during the workshop.

X. Adjournment

Motion was made by Councilor Staples and seconded by Councilor Morin to adjourn. Unanimously approved and the meeting adjourned at 8:09 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

January 9, 2023

Lisa Cooper
34 Court Street
Auburn, ME 210

Re: The 1800 Club, LLC., 34 Court Street, Auburn, ME 04210

Dear Ms. Cooper,

This letter is to notify you that the applications for a Food Service Establishment License and Special Amusement permit that you submitted have been denied.

Pursuant to Section 14-38 of the City of Auburn code of Ordinances no license or permit shall be issued to any person who is indebted to the city upon any claim, tax or account that is more than 60 days delinquent. Currently, the 1800 Club, LLC. has an outstanding balance of $3,240 in parking permit fees.

Section 14-26 also states that it is a violation to operate a business without a license.

Section 14-27. Penalty
The violation of any provision of this division shall be punished by a civil penalty, payable to the city, of not less than $100.00 and not more than $2,500.00 for each offense, based on the severity of the offense and number of occurrences. Each act of violation and every day upon which any such violation occurs shall constitute a new and separate offence. In addition to such penalty, if the court finds for the city, the city shall recover its costs of suit, including reasonable experts' fees, reasonable attorneys' fees and reasonable and necessary investigative costs.

Please note the City Council shall be notified of the decision to deny these business license applications at their next regularly scheduled meeting, which is scheduled for Tuesday, January 17, 2023.

If you decide to appeal the decision, the process is as follows:

Sec 14-39. Appeal
Except as otherwise provided, appeals shall be made by filing a written notice of appeal with the office of the City Clerk or designee within 30 days of the date of any such denial to the City

Council in writing, whereupon a hearing will be scheduled, at which time the applicant shall have the right to be heard. It shall be the duty of the City Clerk or designee to notify such applicants who have appealed, of the time and place of the hearing.

If you have any questions with the foregoing, please feel free to contact me at 333-6601 ext. 1126.

Sincerely,

Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 5, 2022 **Order:** 160-12052022

Author: Brian Wood, Assistant City Manager

Subject: Purchase of a portable stage

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

City Budgetary Impacts:
$180,000.00

Staff Recommended Action:
Staff recommends supporting this purchase

Previous Meetings and History:
This item was postponed at the 12/5/2022 meeting. It was discussed further at the 1/3/2023 City Council workshop.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 160-12052022

City Council Order

IN CITY COUNCIL

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

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023 **Ordinance:** 01-01032023

Author: Phil Crowell, City Manager

Subject: Ordinance Amendment Chapter 16 Emergency Management - Security Systems

---

Information: The City of Auburn has approximately 650 active security system permits issued. The ordinance requires a $5.00 annual renewal fee on each system. After reviewing the revenue for the annual renewal and the cost to bill, process, and collect unpaid invoices, staff has determined this fee puts an unneeded impact on system owners and the time allocated by staff for this function could be better used. A renewal application rarely has any changes. The initial purpose for permitting a security system is still important for the proper response to alarms and necessary to bill for false alarms. The need to respond for false alarms continues to be reduced because of the fine structure.

Revenue
Approximately 30 new applications are received annually = $900.00
Renewal of 650 permits at $5.00 = $3,250.00
False Alarms Fines = $14,000.00

Renewal Expenditures Only
Paper and Postage = $823.00
Staff Processing = $1,263.50

City Budgetary Impacts: Revenue reduction of $3,250.00 for renewals, not including any late fines or collection costs.

Staff Recommended Action: Approve the ordinance amendment.

Previous Meetings and History: Passage of first reading on 1/3/2023

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ARTICLE III. SECURITY SYSTEMS

Sec. 16-47. Definitions.

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

Alarm site means a single premises or location served by an alarm system.

Alarm system means a device or system which transmits a signal intended to summon aid in a robbery, burglary, or personal hostage situation. The term "alarm system" does not include a system installed on a vehicle, personal safety alarm device, or a system designed to alert only the persons within a premises which does not emit a signal visible or audible outside of the premises.

Chief means the chief of police of the city or his authorized representative.

False alarm notification means an alarm notification to the police department when the responding personnel find no evidence of actual or attempted robbery, burglary, or personal hostage.

Local alarm means an alarm system that emits a signal at an alarm site which is audible or visible from the exterior of the alarm site.

(Ord. of 10-1-2007(01), § 2.1)

State law reference(s)—Security system defined, 32 M.R.S.A. § 9403(10).

Sec. 16-48. Permit required.

The owner or person in control of a premise commits an offense if he installs an alarm system or possesses an activated alarm system without first obtaining a permit from the chief. A separate permit is required for each alarm site.

(Ord. of 10-1-2007(01), § 2.2)

Sec. 16-49. Application; false statements; issuance; transferability; permit fees.

(a) The application for a permit shall contain the following information:

(1) Name, business address, home address, business telephone number, and home telephone number of the person in whose name the permit is requested;

(2) Name, business telephone number, and home telephone number of two persons who are authorized and have agreed to receive notification at any time from responding police personnel to come to the alarm site within 30 minutes after receiving such notification;

(3) Classification of the alarm site as residential, commercial or banking institution;

(4) Purpose of the alarm (i.e. burglary, robbery);

(5) Any other information required by the chief to ensure compliance with all provisions of this article.

(b) The permit holder shall notify the chief of any change in the information contained in the application within five days of such change.

(c) If the application complies with all requirements of this article, the chief shall issue a permit upon receipt of a permit fee in the amount provided in the city fee schedule.

(d) Any false statement of a material nature made by an applicant for the purpose of obtaining a permit shall be grounds for denial of the issuance of the permit, or cancellation of the permit if it has been issued.

(e) A permit is not assignable or transferable to another person.

(f) A permit shall be valid until the property ownership is transferred or the system is eliminated. ~~for the period of January 1 through December 31 of the same year issued. However, if a permit is obtained after December 1, the permit shall be valid through December 31 of the next calendar year. Permits expire on December 31. After expiration, a new application must be made.~~

(g) ~~Permit renewals for the next calendar year shall start on December 1 of the year of expiration. Renewals may be made on weekdays during normal business hours in person, by telephone, or by mail. A renewal fee in the amount provided in the city fee schedule will be charged if renewal occurs before expiration. There will be an additional charge in the amount provided in the city fee schedule for renewals made after December 31.~~

(Ord. of 10-1-2007(01), § 2.3)

Sec. 16-50. Automatic shutoff required.

In the event that a mechanism sounds an alarm signal for longer than 15 minutes after being activated, the chief of police or his designated representative is authorized to disable the alarm. All costs of the city in disabling such an alarm shall be assessed to the operator of the alarm system and shall be paid to the city within 30 days after the operator has received notice that the said costs have been assessed. Application for a permit under the provisions of this section constitutes a grant of approval by the operator of the alarm system for the city to deactivate the local alarm system under the provisions of this section.

(Ord. of 10-1-2007(01), § 2.4)

Sec. 16-51. Maintenance of system.

The permit holder shall maintain the alarm system in such a manner as to ensure proper operation and to minimize false alarm notifications.

(Ord. of 10-1-2007(01), § 2.5)

Sec. 16-52. Reporting of alarm signals.

(a) A permit holder commits an offense if he allows alarm signals to be reported through a relaying intermediary that is not licensed to legally provide such service.

(b) A permit holder or other party commits an offense if they allow an alarm signal to be reported through an automatic dialing system directly to the police department other than through the installed alarm console.

(Ord. of 10-1-2007(01), § 2.6)

Sec. 16-53. Indirect alarm reporting.

A person who is engaged in the business of relaying alarm notifications to the city shall:

(1) Send notification of an alarm to the city by an individual;

(2) Keep his business premises locked and secured at all times;

(3) Allow an inspection of his business premises by authorized agents of the police chief;

(4) Report alarms only to a telephone number designated by the city;

(5) Send alarm notifications to the city in a manner and form determined by the city; and

(6) Maintain sufficient staff to ensure that valid alarms are relayed immediately to the city.

(Ord. of 10-1-2007(01), § 2.7)

Sec. 16-54. Alarm dispatch records.

The chief shall maintain a written record of all alarm notifications, including, but not limited to, the following:

(1) Name of permit holder;

(2) Location of alarm site;

(3) Date and time of alarm notification;

(4) Name of the responding police officer in charge of response;

(5) Weather conditions; and

(6) Whether the notification was a false alarm notification.

(Ord. of 10-1-2007(01), § 2.8)

Sec. 16-55. False alarm notification—Determination.

(a) The chief shall not consider an alarm notification to be false if he determines that the alarm was caused by:

(1) A natural or manmade disaster;

(2) Severe weather that causes physical damage to the premises;

(3) Vandalism;

(4) Telephone line outage;

(5) Attempted entry or attempted robbery; or

(6) Accidental activation by the occupant provided the alarm is immediately reported to the police department.

(b) The determination of the chief in classifying an alarm notification as false or actual is final.

(Ord. of 10-1-2007(01), § 2.9)

Sec. 16-56. Same—Penalty.

(a) The permit holder shall pay a penalty of $30.00 beginning with the third and fourth false alarm notification (the first two are at no charge); an additional fee of $50.00 will be assessed for the fifth and sixth false alarm and all subsequent false alarms will be assessed at $100.00.

(b) The time period for alarms will be from the beginning of the permit period.

(c) The police department shall, on a monthly basis, send to the permit holder, at the address stated on the application, a statement of fees due. The permit holder shall pay such fees within 30 days of the date of the statement and shall be delinquent after such 30-day period.

(Ord. of 10-1-2007(01), § 2.10)

State law reference(s)—False alarms or reports, 17A M.R.S.A. § 509.

Sec. 16-57. Revocation of permit.

The chief shall revoke an alarm permit if he determines that:

(1) There is a false statement of a material nature in the application for a permit;

(2) The permit holder has violated any provision of this article; or

(3) The permit holder is delinquent in payment of fees for false alarm notifications.

(Ord. of 10-1-2007(01), § 2.11)

Sec. 16-58. Appeal from denial of issuance or revocation of permit.

(a) If the chief denies the issuance of a permit, or suspends a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action setting forth the reason for such action and advising the applicant or permit holder of the right to an appeal. The applicant or permit holder may appeal the decision of the chief to the city manager by filing with the city manager's office a written request for a hearing, setting forth his objections to the action of the chief, within ten days after receipt of the notice from the chief. The filing of a request for an appeal hearing with the city manager shall stay the action of the chief in denying the issuance of or suspending a permit until a final decision on the appeal is made by the city manager. If a request for an appeal hearing is not made within the ten-day limit, the action of the chief is final.

(b) The city manager or his designee shall preside at any administrative hearing conducted under the provisions of this section and shall consider evidence offered by any interested person. The formal rules of evidence shall not apply at such hearing. The city manager shall render a written decision setting forth findings of fact and conclusions of law within 30 days after the request for an appeal hearing is filed. Such decision shall affirm, reverse, or modify the action of the chief, and the city manager decision is final.

(Ord. of 10-1-2007(01), § 2.12)

Sec. 16-59. Violations; penalties.

A person commits an offense if he violates by commission or omission (nonregistration of alarm) any provisions of this article that impose upon him a duty or responsibility, other than false alarms. Each day or portion

of a day in which the violation exists or is committed shall constitute a separate offense. Each offense other than false alarms is punishable by a fine in the amount of $100.00.

Appendix A FEES AND CHARGES[1]

Administrative

Notary fee10.00

Copy fee, per page (8.5 x 11 black and white)0.10

Animals

Dog license fees:

Unaltered dog—annually11.00

Spayed/neutered dog—annually6.00

Late fee after January 3125.00

Impoundment fee—each50.00

Additional per day for boarding feeTBD

Dangerous dog registration fee—annually100.00

Buildings and Building Regulations

Building permit—single-family:

New construction, additions and mobile homes25.00

Accessory structure25.00

Renovation < $4,000.0025.00

Renovation > $4,000.0025.00 base + 5.00 per $1,000.00 value

Building permit—multi-family:

New construction and additions30.00 base + 0.30 per sf

Renovations30.00 base + 5.00 per $1,000.00 value

[1]Editor's note(s)—Ord. No. 35-10182021, adopted November 1, 2021, repealed app. A and enacted a new app. A as set out herein and later amended. Former app. A pertained to similar subject matter and derived from an Ord. adopted May 2, 2011; Ord. No. 12052011-04, adopted December 5, 2011; Ord. No. 02-03052012, adopted March 19, 2012; Ord. No. 58-07152013, adopted July 15, 2013; Ord. No. 12-06152015, adopted July 6, 2015; Ord. No. 13-06152015, adopted July 6, 2015; Ord. No. 02-02222016, adopted March 7, 2016; Ord. No. 01-02242020, adopted March 2, 2020; Ord. No. 07-10192020, adopted November 2, 2020; Ord. No. 17-03012021, adopted March 15, 2021.

Editor's note(s)—All fees in this schedule that are calculated per a unit of time, distance, or other measurement shall be construed to include any portion of such unit. The acronym "TBD" as used herein means "to be determined" and denotes an amount that has not yet been determined by the city council or that may have been determined but not yet included in a supplement to this schedule. The acronym "NA" as used herein means "not applicable" and indicates a fee that is not associated with a particular code section but with the code chapter contents generally.

Building permit—commercial:

*New construction for agricultural building for the storage of crops, housing of livestock are excluded from the building permit fees. This exclusion does not apply to marijuana.

New construction30.00 base + 0.35 per sf (per floor)

Renovation30.00 base + 7.00 per $1,000.00 value

Foundation only30.00 base + 5.00 per $1,000.00 value

New construction of agricultural buildings for the storage of crops or housing of livestock, excluding marijuana25.00 base + 0.07 per sf

Building permit—swimming pools:
*This includes electrical inspection.

Above ground and in-ground pools50.00

Building permit—other:

Fences25.00
..... (6 ft or higher)

Underground storage tanks50.00
..... (first tank) +
..... 15.00 (additional tanks)

Moving building100.00

Driveways25.00

Change of use40.00

Certificate of occupancyIncluded in permit
..... ($260.00 penalty)

Signs25.00 base + 0.50 per sf

Banners, for seven-day period not to exceed 14 days250.00

Demolition:

Interior demolition not in conjunction with a construction project50.00

< 5,000 sf50.00

> 5,000 sf250.00

Belated fee:

The customary permit fee shall double where work commences prior to the issuance of the appropriate permits.

Building permit fee reimbursement policy:

In the event that the recipient of a building permit does not undertake any of the building activity associated with a given permit, he/she may submit a written request to the director of planning and permitting for the reimbursement is made within six months of the issuance of said permit, and if no work associated with said permit was commenced, 75 percent of the permit fee will be reimbursed. The city shall retain 25 percent of the permit fee to provide compensation for the costs associated with issuance of said permit and to process reimbursement.

Plumbing fees:

Internal plumbing:

Per fixture (subject to minimum below)9.00

Minimum36.00

Subsurface wastewaterTBD

Nonengineered systems150.00

Field only100.00

Treatment tank only (non-engineered)75.00

Engineered system300.00

Treatment tank only (engineered)120.00

Holding tank150.00

Other system components50.00

Separate laundry disposal field50.00

Seasonal conversion75.00

Variance50.00

Primitive system (including 1 alt wc)150.00

Alternative toilet only75.00

Electrical inspections:

MinimumTBD

Residential32.00

Commercial42.00

Single and multifamily dwellings—per unit (includes service/openings)—each58.00

All temporary services30.00

Services—single phase—panel and meter:

Base fee—up to 100 amps (includes cable hookup)12.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus-subpanels—up to 100 amps7.00

Plus-subpanels—each additional 100 amps or fraction10.00

Services—three phase—panels:

Base fee—up to 100 amps (includes cable hookup)30.00

Plus-per each additional 100 amps or fraction7.00

Plus-per each additional meter7.00

Plus—subpanels, up to 100 amps10.00

Plus-subpanels—each additional 100 amps or fraction10.00

Wiring openings (total outlets, lights and switches—120 volt):

1—20 openings15.00

21 to 50 openings20.00

51+ openings0.50
..... per opening

Appliances in new locations—120 volts—compactors, dishwashers, disposals, air conditioners, etc.5.00

Appliances in new locations—240 voltsTBD

Ranges, ovens, water heaters, dryers, air conditioners, etc.10.00

Domestic heat:

Electric—per kilowatt3.00

Gas, oil, central air, other12.00

Manufactured dwellings—per unit (includes service equipment)42.00

Circuses, carnivals, fairs, festivals, etc.75.00 flat fee

Transformers, generators and UPS (battery backup)25.00 flat fee

Alarm system (copper or fiber):

Fire, burglar—base fee18.00

Plus—per outlet over first 10 outlets0.50

Other low voltage system (computer, phone, cable, satellite dish, sound, closed circuit television, etc.)—base fee18.00

Plus—per outlet over 10 outlets0.50

Motors:

< 25 HP12.00

Plus—for each 5 HP or fraction thereof over 25 HP2.00

Signs (one time fee):

Portable, mobile, permanent—each sign25.00

Emergency lighting battery pack unit—each7.00

Water, sewer, gas or wall pump—each10.00

State business licensing inspections—each40.00

Annual industrial electrical permit—does not include new structures or additions250.00

Fire alarm box connection—annually:

DET electronic units400.00

Mechanical box connections425.00

Belated electrical permit fee—within one calendar year:

First offense100.00

Second offense200.00

Third offense400.00

Fourth offense800.00

Fifth and subsequent offenses—each1,600.00

Inspections and department call outs after normal business hours-minimum (additional time beyond three hours shall be calculated at time plus one-half for the on call electrician)150.00

Notice of intent to sell, transfer or rent property subject to order:

Violation of section 12-199:

Not less than50.00

Not more than100.00

Businesses and Business Regulations

Lodginghouse, Boardinghouses, rooming houses, hotels, motels, etc.—annually100.00
..... flat fee

Outpatient addiction treatment clinic—annually200.00

Closeout sales (30-A M.R.S.A. § 3781)—maximum of one per business up to 60 days20.00

Massage licenses—annually:

Establishment (more than one therapist)—annually150.00

Therapist—annually, plus cost of background check)150.00

Solicitation permit (issued by police department)0.00 each

Mobile or itinerant vendor permit (door-to-door sales):

One year100.00

Mobile food distribution unit (roving diner):

Twelve months100.00

Vendor use of city property (each three-month period)50.00

Peddlers:

Per event75.00

30-day permit100.00

Agricultural barn sales—each (maximum of one three-day permit per month between the months of April and October)15.00

Garage sales—each (maximum of two three-day permits within six months):

On-line issuance0.00

In office issuance0.00

Secondhand dealer license—annually100.00

Pawnbroker license—annually plus actual cost of advertising hearing100.00

Junkyard/automobile graveyard (no on-line license)—annually plus actual cost of advertising hearing:100.00

Taxicabs:

Taxicab business license—annually100.00

Call-out inspection fee (establishment requested outside normal hours)—each, plus inspector's overtime hourly rate100.00

Re-inspection fee100.00

Flea market, craft fairs, swap meets, and bazaars:

One day event0.00
..... application only

Three months0.00
..... application only

Alcohol beverage establishments:

Class A lounge (liquor)—annually (plus actual cost of advertising hearing)1,000.00

1,300.00 flat fee

Tavern license—annually:

Up to 2,999 square feet150.00

250.00 flat fee

Liquor service approval (off-premises catering)—per event10.00

Food service establishments (plus actual cost of advertising hearing):

Class I (liquor—beer, wine and spirits, and mixed drinks)—annually500.00
..... flat fee

Class III/IV (liquor—beer and wine)—annually400.00
..... flat fee

Class IV (liquor—beer)—annually400.00
..... flat fee

Class on or off premises (no liquor)—annually200.00
..... flat fee

Bottle club/BYOB—annually200.00
..... flat fee

Temporary food service establishment—per event—maximum of 30 days60.00

Off premises retailer—annually200.00
..... flat fee

Adult amusement devices—each device annually1,100.00

Beano/bingo (EnerGov—no online license)No fee

Carnival, circus, or other traveling amusement—per day150.00

Coin-operated amusement device—annually—per device:

Per unit up to 10 devices0.00

Per unit for 10 or more devices0.00

Jukeboxes—each device—annually0.00

Motion picture theater—per screen—annually0.00

Pool halls—annually per table0.00

Roller skating rinks—annually:

With partial or full kitchen90.00

Dances and dancehalls—per event35.00

Mass gathering permit application fee—determined for each event (EnerGov—no on-line license)N/A

Tattoo (background check required):

Tattoo artist license fee—annually100.00

Tattoo exhibitions or shows—per event250.00

Race trackN/A

Special amusement (background check required)—annually plus cost of advertising hearing125.00

Game of chance (EnerGov—no on-line license):

Six months10.00

Up to three-year blanket approval20.00

Relicensing upon late renewal by any existing licensed business:

30—45 days late50.00

More than 45 days late100.00

Reoccurring 200.00

Emergency Management and Services

Security (alarm) system permit:

Initial issuance30.00

~~Annual renewal fee, if paid on or before December 315.00~~

~~Annual renewal fee, if paid after December 3130.00~~

Environment

Fill permit—original issuance:

Up to 7,000 square feet of fill area25.00

7,001 to 22,500 square feet of fill area35.00

Over 22,500 square feet of fill area50.00

Fill permit renewal—annually—if not delinquent0.00

Fire Prevention and Protection

Fire department services:

Reports—per copy10.00

Research—per hour (1 hour minimum)20.00

Old hose—per foot1.00

Coverage of a fire/EMS event—per person-per hour50.00 plus apparatus rate

Accident or fire photos—each—unless otherwise determined by fire chief10.00

Photos printed outside of agency—each—plus actual costs20.00

Environmental reviews—each20.00

Fireworks standby—per hour200.00

Training burns resulting in demolition2,500.00

Fire investigations—per hour100.00

Hazard material incidents:

Cost of response—see apparatus costs—plus cost of materials and supplies used.

Illegal/unauthorized burning response—per hour250.00

Out of control burn response:

Cost of response—see apparatus costs.

Vehicle accidents—per hour250.00

Extrication of patients from vehicle300.00

Spill control and clean-up100.00

Salvage calls—residential:

Labor—per hour150.00

Sump pump—each—per hour50.00

Salvage calls—commercial—per hour500.00

False alarms—received in one calendar year:

Second100.00

Increase in first alarm fee for each subsequent alarm100.00

Fireworks:

Use or possession with intent to use in the city:

First offense (plus costs):

Not less than200.00

Not more than400.00

Second and subsequent offenses (plus costs):

Not less than300.00 per violation

Not more than600.00 per violation

Sale or possession with intent to sell in the city:

First offense (plus costs):

Not less than500.00

Second and subsequent offenses (plus costs):

Not less than1,000.00 per violation

Apparatus rates: includes normal crew assignment

Engine—per hour250.00

Aerial device—per hour350.00

Rescue—per hour150.00

Boat—per hour150.00

Command unit100.00

Forestry/brush truck150.00

Solid Waste

Solid waste fees shall be as determined annually by the city council base on prior years' financial information.

Streets, Sidewalks and Other Public Places

Display of goods permit—each0.00

Excavation permits:

Minimum charge—single continuous work area10.00

Maximum charge—single continuous work area500.00

Street openings—per square foot:

Newly constructed, reconstructed or repaved street6.00

Paved streets5.00

Gravel streets and shoulders3.00

Construction areas (streets scheduled for full-depth construction5.00

Sidewalk openings—per square foot:

Concrete, brick, bituminous1.50

Other openings:

1.00 for all other materials

Entrance permit—each20.00

Private propertyN/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements2%

Private streets—as percentage of estimated costs of required public-type improvements2%

Special exceptions—the greater of:

Minimum200.00

Percentage of public type improvements2%

Traffic and Vehicles

Parade or procession permit—each0.00

Parking in city owned parking lot and mechanics row parking garage—monthly45.00

Zoning

Zoning text amendments:

Base fee—each application400.00

Additional for required advertising—each application300.00

Zoning map amendments:

Base fee—each application400.00

Additional for required advertising—each application300.00

Zoning board—appeals, interpretation, variance, conditional use permit, etc.:

Base fee—each application150.00

Additional for required advertising—each application200.00

Site plan review:

Minor projects—interdepartmental/staff review—each application200.00

Major projects and subdivision of existing structures—planning board review/special exceptions:

Base fee—each application500.00

Additional for required advertising200.00

Site plan amendment:

Minor projects—staff approved amendments—each100.00

Major projects—planning board approved—amendments:

Base fee-each application100.00

Additional for required advertising200.00

Subdivision review—new lots and structures:

First three lots750.00

Each additional lot over three100.00

Delegated review (in addition to site plan or subdivision fees when required)—includes one or all areas (stormwater, TMP, site law, etc.) 25% of the fee that would be charged by the state department of environmental protection and state department of transportation for the same permits based on state adopted fee schedules at the time of application.

Zoning conformance/rebuild letter—each50.00

Independent professional review feesTBD

Engineering inspection feesTBD

Required advertising (unless otherwise specifically provided above)100.00

Other General Information:

- Applicants are responsible for the cost of all public hearing advertisements and background checks required for various licenses. Failure to list that additional expense in the fee schedule shall not eliminate that requirement from the licensing process.
- Applicants are responsible for providing background checks, not older than 3 days prior to submission of application for all licenses that require such checks or, alternatively, applicants may pay $100.00 to the city with the application to cover the cost of the background check.
- License fees established in this appendix include two routine or pre-operational inspections and one follow-up inspection. When additional inspections are required, the city may charge an additional $100.00 per inspection to cover the costs of each additional inspection or visit.
- All first time applications must be made in person, unless otherwise specifically stated herein.
- All on-line licenses will receive a 10% discount unless otherwise indicated herein.
- No on-line renewal of liquor licenses, special amusement licenses, or tattoo or massage licenses is permitted.
- Residential construction. A veteran/widow/widower of a veteran or contractor on behalf of a veteran/widow/widower of a veteran seeking to build new construction or to rehabilitate an existing property will have all fees waived/reimbursed at time of permit approval. This applies to owner occupied single family and multifamily units, up to 3 unit structures. This does not apply to state fees administered by the city.
- Commercial construction. A veteran owned business* or subcontractor hired by a veteran owned business*, will be entitled to a 50% fee reduction/reimbursement for new construction or rehabilitation of an existing property at the time of permit approval. This does not apply to state fees administered by the city.

    * Veterans honorably discharged from federal service, must present DD-214 to economic, and community development office for fees to be waived.

    ** Veteran owned business as defined by the SBA being a corporation in which 51% of the shares of the company are owned by a veteran.

(Ord. No. 35-10182021, 11-1-2021; Ord. No. 48-12062021, 12-20-2021; Ord. No. 04-02072022, 2-7-2022)

ORDINANCE 01-01032023

City Council Ordinance

IN CITY COUNCIL

Amending the Code of Ordinances, Sec. 16-49. Security Systems and Appendix A Fees and Charges, Emergency Management and Services

Be it ordained, that the City Council hereby amends the Code of Ordinances, Sec. 16-49. Security Systems as follows:

Sec. 16-49. Application; false statements; issuance; transferability; permit fees.

(a) The application for a permit shall contain the following information:

(1) Name, business address, home address, business telephone number, and home telephone number of the person in whose name the permit is requested;

(2) Name, business telephone number, and home telephone number of two persons who are authorized and have agreed to receive notification at any time from responding police personnel to come to the alarm site within 30 minutes after receiving such notification;

(3) Classification of the alarm site as residential, commercial or banking institution;

(4) Purpose of the alarm (i.e. burglary, robbery);

(5) Any other information required by the chief to ensure compliance with all provisions of this article.

(b) The permit holder shall notify the chief of any change in the information contained in the application within five days of such change.

(c) If the application complies with all requirements of this article, the chief shall issue a permit upon receipt of a permit fee in the amount provided in the city fee schedule.

(d) Any false statement of a material nature made by an applicant for the purpose of obtaining a permit shall be grounds for denial of the issuance of the permit, or cancellation of the permit if it has been issued.

(e) A permit is not assignable or transferable to another person.

(f) A permit shall be valid until the property ownership is transferred or the system is eliminated. ~~for the period of January 1 through December 31 of the same year issued. However, if a permit is obtained after December 1, the permit shall be valid through December 31 of the~~

City Council Ordinance

~~next calendar year. Permits expire on December 31. After expiration, a new application must be made.~~

~~(g) Permit renewals for the next calendar year shall start on December 1 of the year of expiration. Renewals may be made on weekdays during normal business hours in person, by telephone, or by mail. A renewal fee in the amount provided in the city fee schedule will be charged if renewal occurs before expiration. There will be an additional charge in the amount provided in the city fee schedule for renewals made after December 31.~~

(Ord. of 10-1-2007(01), § 2.3)

Appendix A FEES AND CHARGES

Emergency Management and Services

Security (alarm) system permit:

~~Initial issuance~~ Issuance 30.00

~~Annual renewal fee, if paid on or before December 31 $5.00~~

~~Annual renewal fee, if paid after December 31 $30.00~~

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023 **Ordinance: 24-12052022**

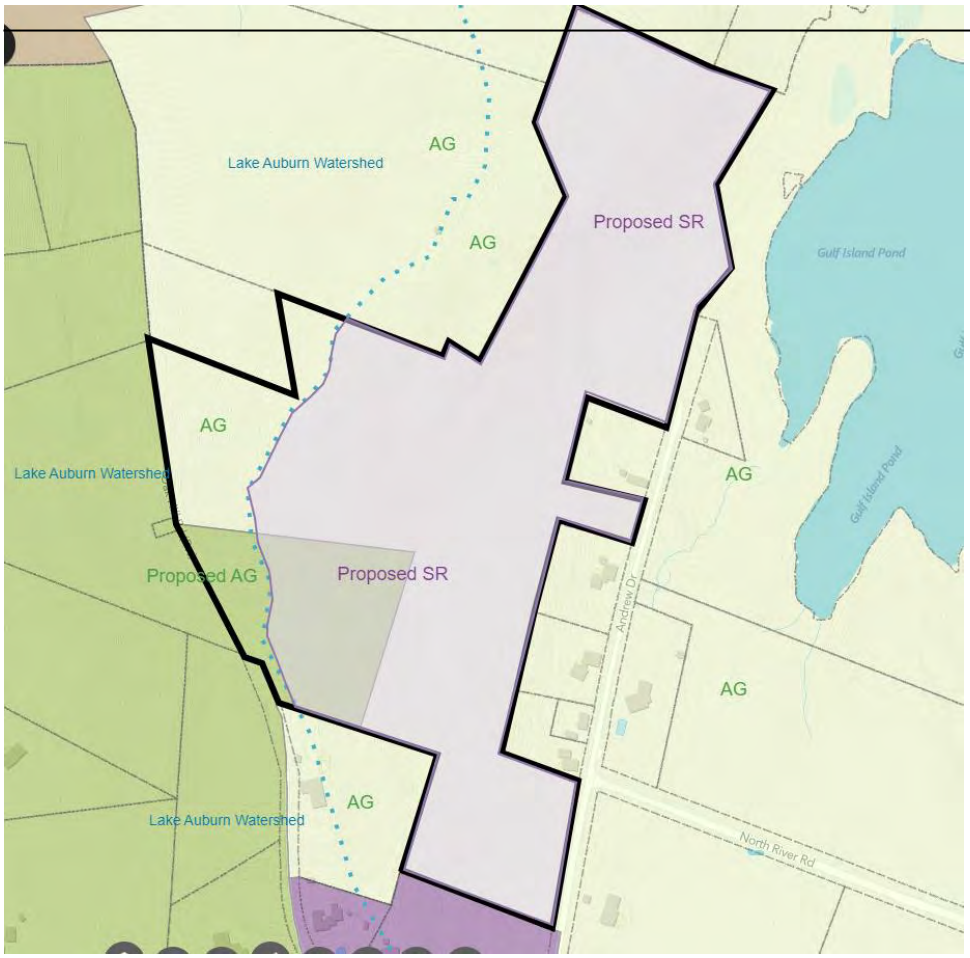
Author: Eric Cousens, Director of Planning and Permitting

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

Information: On January 10, 2023, The Planning Board held a public hearing and vote on a petition submitted to amend the areas outside the Lake Auburn watershed: 33 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92+/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map.

The Board made a favorable recommendation to "recommend amending 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in *figure 1."*

Figure 1



City Budgetary Impacts:

Staff Recommended Action:
Staff suggests Council hold the first reading and vote to pass proposed map amendment in accordance with the Planning Board's recommendation to amend 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in *figure 1*.

Previous Meetings and History:
December 5, 2022 Council meeting and January 10, 2023, Planning Board Meeting

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: January 10, 2023, Planning Board Motion; Staff Report; Petition, Receipt, and Map; Sketch Map and Comp Plan overlay; Division 5-Suburban Residence District; Rural Residential Road Strips excerpt from the 2021 Comprehensive Plan; Slope Overlay Map; Resident submitted topographical map; Resident submitted culvert map

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

To: Auburn City Council

From: Auburn Planning Board

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

Date: January 10, 2023

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

Proposal: Petition/ Zone Change Request: Petition to amend the areas outside the Lake Auburn watershed: 33 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92+/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2— Amendment to the Zoning Ordinance or Zoning Map.

Motion: Stacey LeBlanc; Second: Paul Jacques

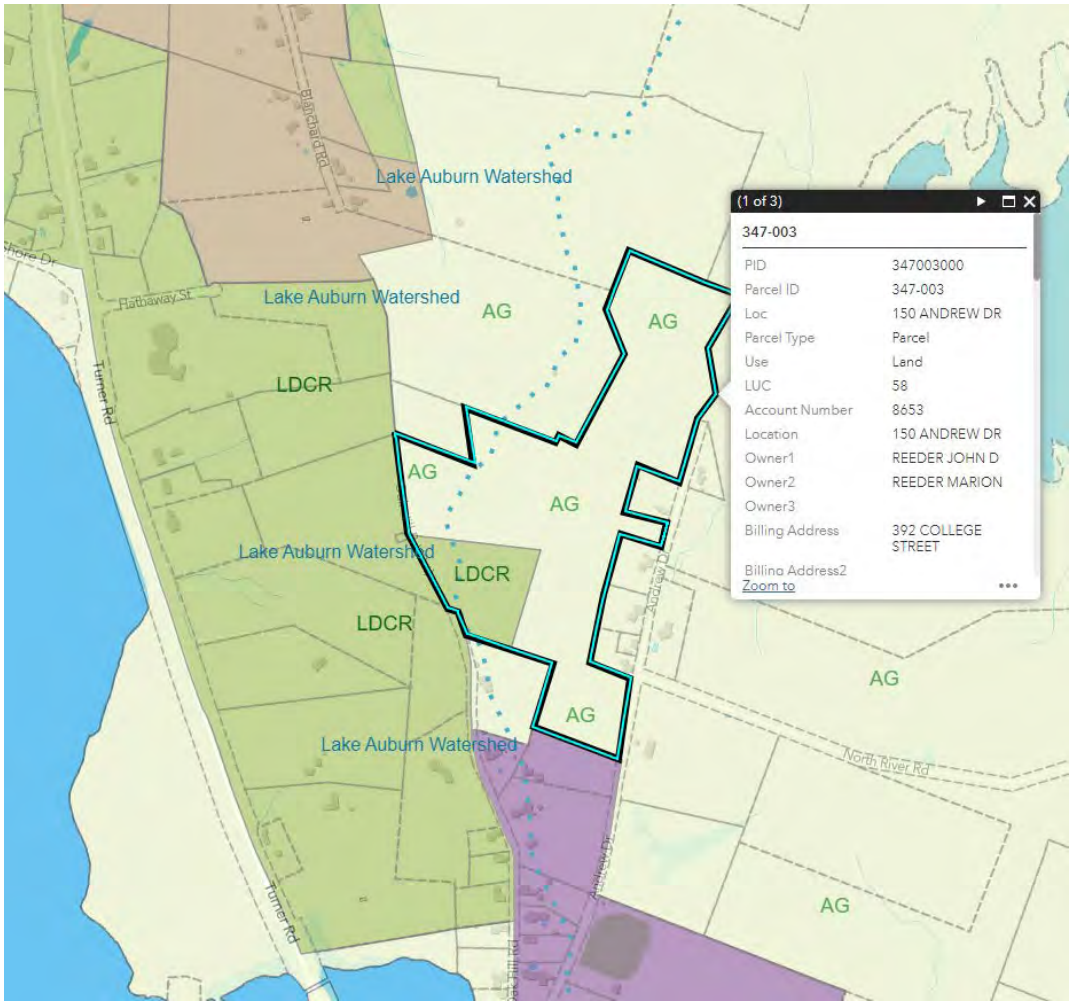
"I make a motion to recommend amending 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in *figure 1*."

Motion passes 5-2-0

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

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Zone Change Petition for 150 Andrew Drive (Parcel I.D. 347-003)
Date: January 10, 2023

I. Proposal: Petition/ Zone Change Request:
Petition to amend the areas outside the Lake Auburn watershed: 33 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92+/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map.



Materials:

1. January 10, 2023, Staff Report
2. Petition, Receipt and Map
3. Sketch Map with Comp Plan Overlay
4. Division 5 Suburban Residence District
5. Comprehensive Plan Excerpt on Residential Strips

II. Background:

Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A)
One of the primary tests of a zone change is its conformance with the Comprehensive Plan.

The 2021 Comprehensive Plan provides two standards and mechanisms to consider if rezoning the parcel is logical. The first Comprehensive Plan supported option to approach this proposal is to rezone the area of the parcel proposed in the petition as an expansion of an existing historic core as referenced in the Comprehensive Plan:

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

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

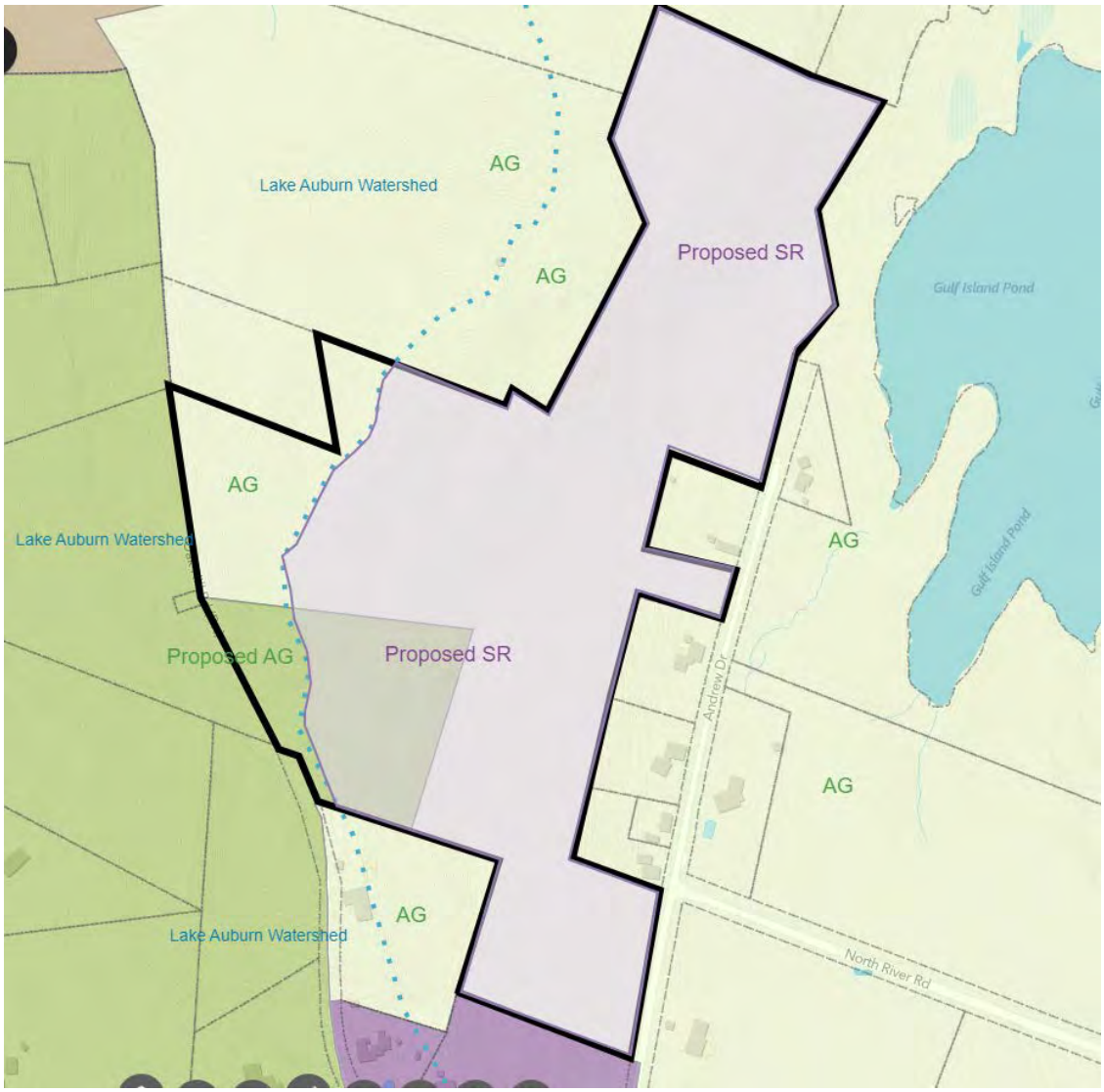


Figure 1—First Comprehensive Plan suggested change—the change requested in the petition.

The second Comprehensive Plan supported mechanism the Board could employ to approach this proposal is to apply residential strip zones. One of these criteria are the existence of an established residential pattern. An established residential pattern means at least six to eight homes per half mile counting both sides of the road. The road meets the criteria with seven homes in a quarter mile The Comprehensive Plan guides the city to also consider "reserve area adjacency" (maintained as undeveloped for the purpose of a different use in the foreseeable future) and "natural resource adjacency" (areas with significant natural value) as reason to not provide a residential strip zone. Part of the parcel has slopes of over 25%, where a residential strip should not be placed according to the comprehensive plan. Residential strips adjacent to Agriculture and Resource Protection land in Auburn are commonly 450 ft. deep measured from the centerline of the road.

The existing lots on Andrew Drive are approximately 240 ft- 250 ft deep measured from the centerline of the road.

If they opt to pursue the residential strips option, the Board could recommend rezoning 21.06 +/- acres instead of 33.49 +/- acres requested in the petition. This reduced acreage avoids some of the steepest slopes at the southerly edge of the parcel but does include steep slopes as shown on the attached overlay map. 12 +/- acres would remain in AG and 4.66 +/- acres would remain in LDCR as shown on the map below.

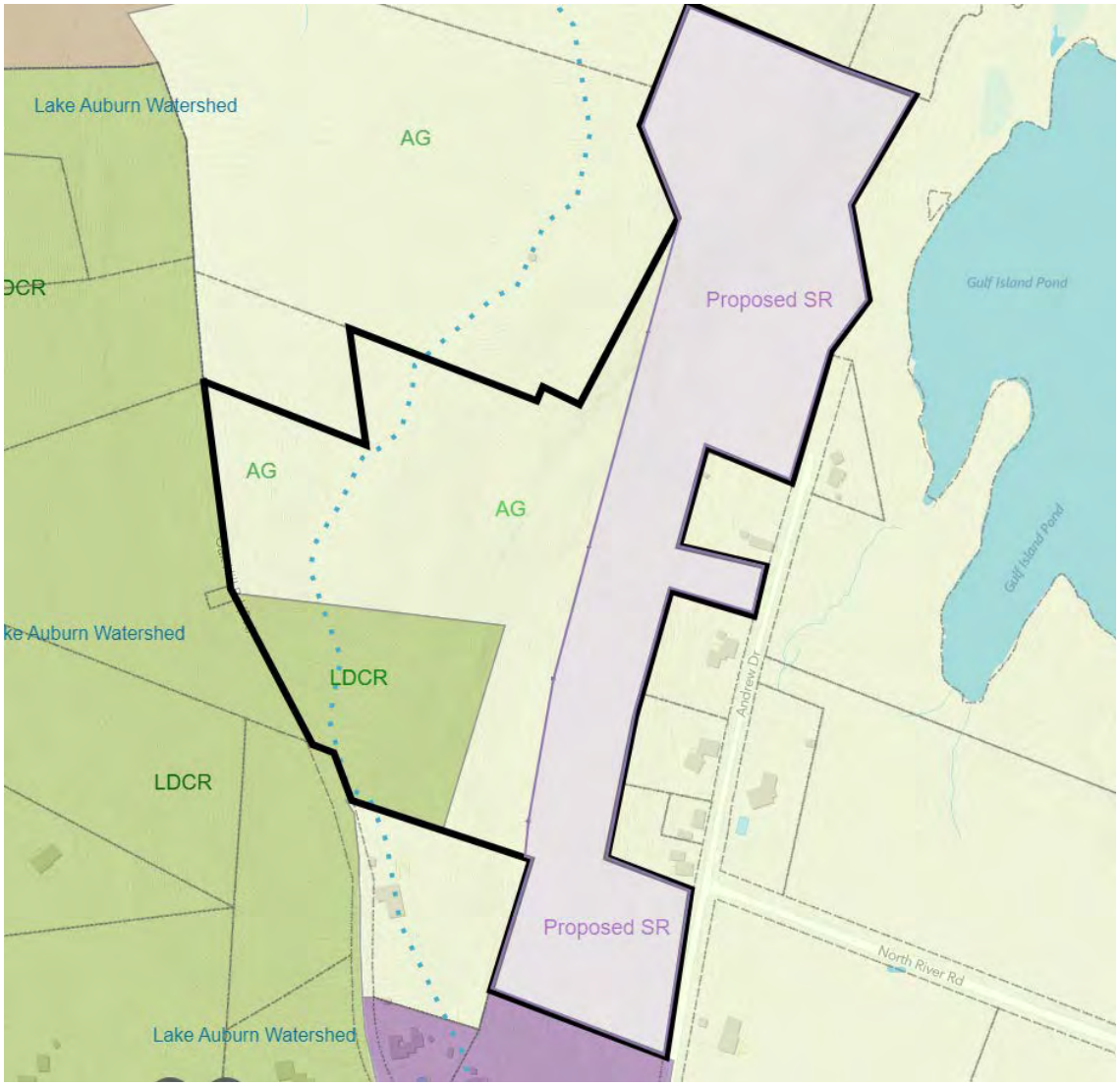


Figure 2—Option for Zone Change reflecting approximately 450' residential strip, supported by 2021 Comprehensive Plan.

Andrew Drive is adjacent to Gulf Island Pond where a public boat launch was proposed by the city in the past. At the time, the proposal was rejected because of safety concerns on Route 4. This summer, considerable safety upgrades have been made on the road addressing the original concerns that prevented the boat launch. As the Board considers rezoning 150 Andrew Drive, they may also consider rezoning the easterly side of the road abutting the river to SR to allow for future public access.

If the Board determines that residential strip zones should be extended on Andrew Drive, they may initiate a zone change in the future to rezone the five remaining parcels on the westerly side

of Andrew Drive from AG to SR and an additional 450 ft. strip from AG to SR on the easterly side of Andrew Drive beginning at Parcel I.D. 337-021, 101 Andrew Drive, or as determined by the Board and Council. If they pursue this, the board may decide to change the portion of the parcel in question currently zoned as LDCR to AG. The purpose of these subsequent changes would be to create a strip zone consistent with the Comprehensive Plan allowing for riverfront access thereby enhancing the neighborhood with waterfront recreational activity. The other purpose the subsequent zone change would be to convert land within the watershed to Agriculture and Resource Protection which is currently in LDCR. Below is a rendering of this future possible zone change.

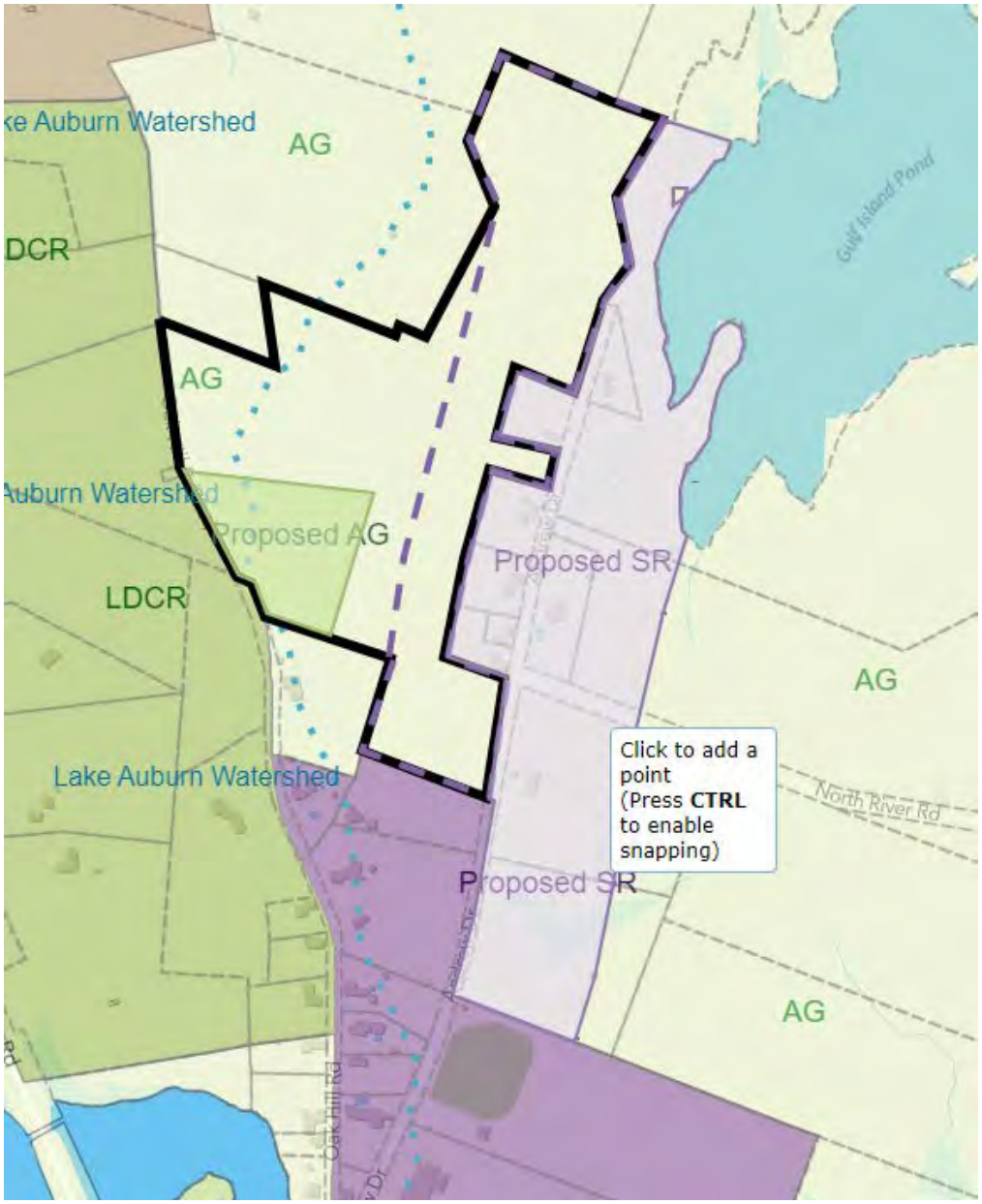


Figure 3—Possible future change; not part of this petition.

The Board could instead opt to change the existing Low-Density Country Residential to Suburban Residential zoning or leave it as LDCR it is now rather than designating it AG.

Planning Board Action:
Staff recommends that the planning board hold a Public Hearing and decide whether it is a better fit to make a motion to change 33.49 +/- acres as petitioned, change 21.06 +/- acres as a residential strip zone, or decide to take another route.

III. Suggested Finding of Fact:

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

IV. Department Review:
N/A

V. Suggested Motion:

A. I make a motion to recommend amending 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in *figure 1.*

OR

B. I make a motion to change 21.06 +/- acres of the 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG) to Suburban Residential (SR) outside the Lake Auburn watershed, following the map depiction in *figure 2.*

REZONING PETITION

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

Print Name	City of Auburn Legal Address	Signature
Bridget Shea	126 Sunderland Dr	
Kimberly Jalbert	1160 STONE RD	
Greg Jalbert	1160 Stone Rd	
Lisa Whitman	15 Par Four Dr	
Heather Hill	166 Cook St. #2	
William Menke	377 Beech Hill Rd	
Korie Rano	53 Andrea Lane	Korie Rano
Tom Smith	29 Vista Dr	
Cindy McNeil	39 Vista Dr. Auburn	
Victoria Langlais	217 Third St	
Marissa Moreau	18 Hillsdale St	
Scott Berube	203 Hackett Rd	
Karen Boucher	65 Jennifer Dr	
Brian Boucher	65 Jennifer DR	
Carrie Whitmore	37 Rafneel St	
Anthony Facchiano	264 Beech Hill Rd	
Sandy Royal	250 Summer St Auburn	
Shannon Chabot	42 E Bates Auburn	
Eric Smith	150 Cedarwood Rd	
Tom Howaniec	134 Nottingham Rd	
Barbara Howaniec	134 Nottingham Rd	Barbara Howaniec
Karen Mathieu	9 Amberley Way	
Michael J. Mathieu	9 Amberley Way	
NR Lana Cassidy	94 Amberley Way	
NR Greg Cassidy	94 Amberley Way	
MARNIE DUBOIS	138 FAIRVIEW AVE	
Jessica Samson	60 Longburn Ct Aub	
Amy Landry	78 Bradliff Knoll Aub	

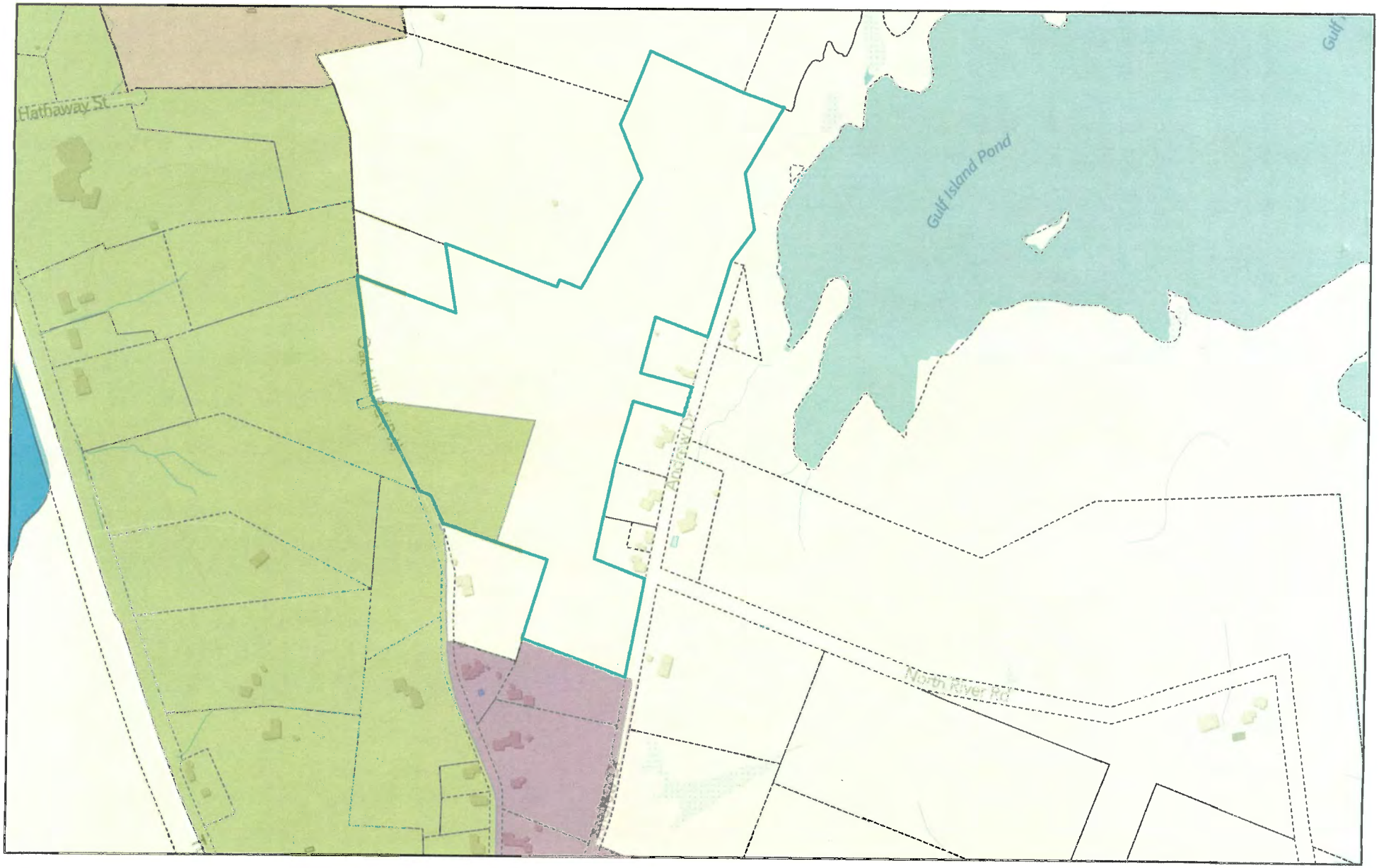
Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

98

Valid: 26 Invalid: 2

Amy F. Pepin
10/03/2022

ArcGIS Web Map



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

Current Parcels _ Public

Auburn Zoning

AG - Agriculture and Resource Protection

LDCR - Low Density Country Residential

RR - Rural Residential

SR - Suburban Residential

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Web AppBuilder for ArcGIS

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

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

RECEIPT

BILL TO:
John Reeder

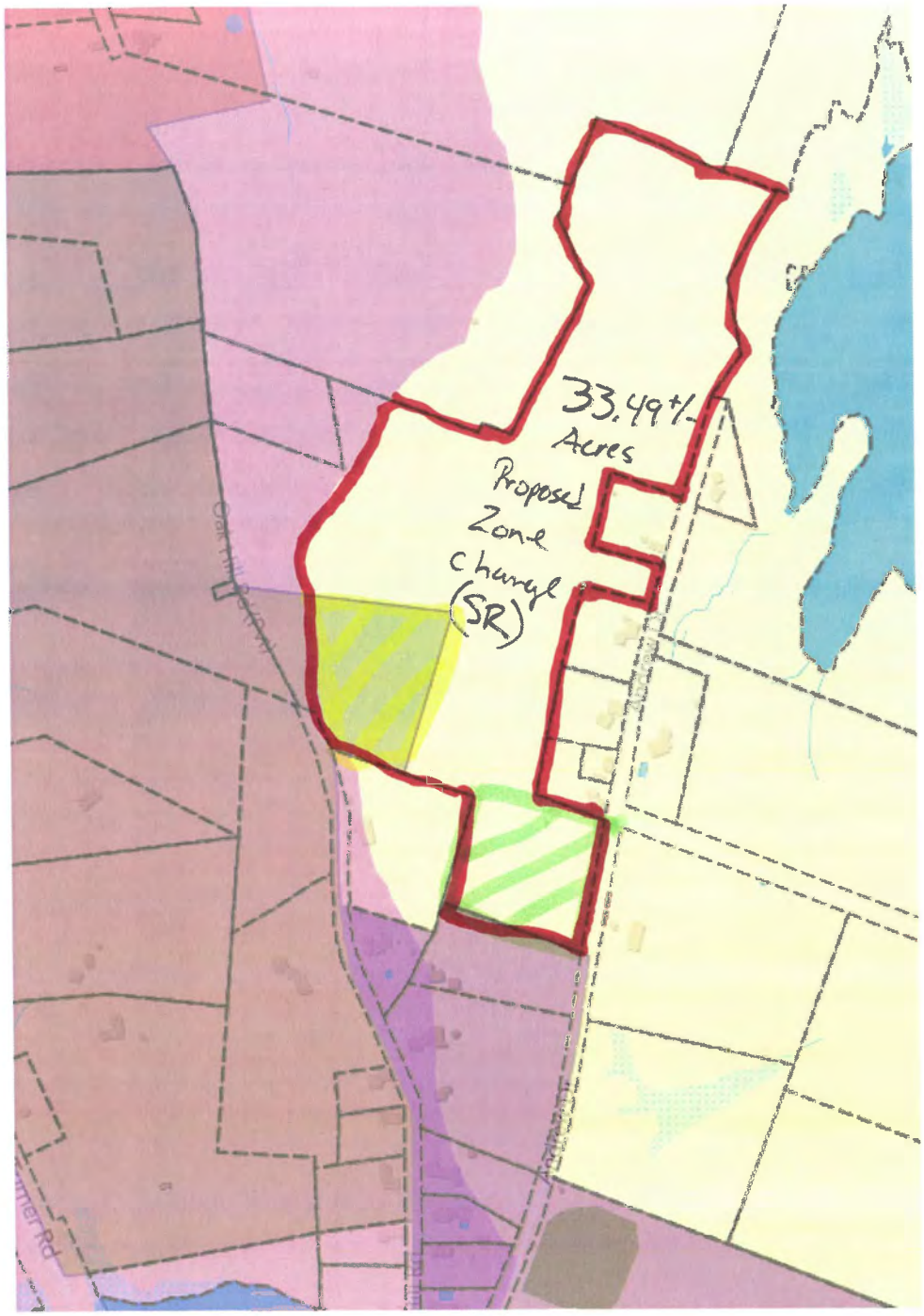
Receipt Number: TRC-018898-03-10-2022

Date: 10/03/2022

	Amount
PRIMARY FEES	
Invoice Number: 18315	
PL: Advertising - ZO/MA	$300.00
PL: Map Amendment	$400.00

PAYMENTS RECEIVED

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



— Proposed Parcel Zone change

— Growth Area

— Limited growth Area

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-254. Purpose.

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

(Ord. of 9-21-2009, § 3.42A)

Sec. 60-255. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Greenhouses.

(7) Licensed veterinarians, provided that the lot containing same is of at least three acres.

(8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:

a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.

b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.

c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.

(9) Wayside stands.

(10) Accessory uses, buildings or structures.

(11) Lawn maintenance services.

(12) Municipal uses and buildings.

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

(1) All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by section 60-229(b)(3), (9), (11) and (12).

(2) Professional offices may be created within existing single-family residences in existence at the time of adoption of this chapter, provided the following conditions are met:

a. Such residences shall have frontage on a major arterial as defined in the city's comprehensive plan.

b. Access to parking shall be located on the arterial frontage except for corner lots, in which case access may be located on the secondary roadway frontage.

c. In addition to meeting the requirements of article V of this chapter, required parking shall be separated from all lot lines by a buffer of 30 feet in width. Such buffer shall be vegetated in a manner to fully screen parked vehicles from view at the lot lines. A driveway serving such a parking area must be separated from the side lot line by a sight impervious fence of six feet in height or a buffer of ten feet in width meeting the vegetation requirements of this subsection (b)(2)c.

d. Signage shall be limited to a single nonilluminated sign with a maximum of 16 square feet of display per side.

(3) Adaptive reuse of structures of community significance.

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

Sec. 60-256. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 21,780 square feet, and measuring less than 150 feet in width; and measuring less than 125 feet in depth.

(2) *Density.* The density of dwelling units shall not exceed an average of two dwellings per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.42C; Ord. No. 11-03012021, § 18, 3-15-2021)

Secs. 60-257—60-275. Reserved.

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

3. Rural Residential Road Strips

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

Consideration #1 – Established Residential Pattern

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

Consideration #2 – Reserve Area Adjacency

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

Consideration #3 – Natural Resource Adjacency

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

Consideration #4 – Conservation/Open Space Adjacency

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

Consideration #5 -- Ability to Provide Public Services

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

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

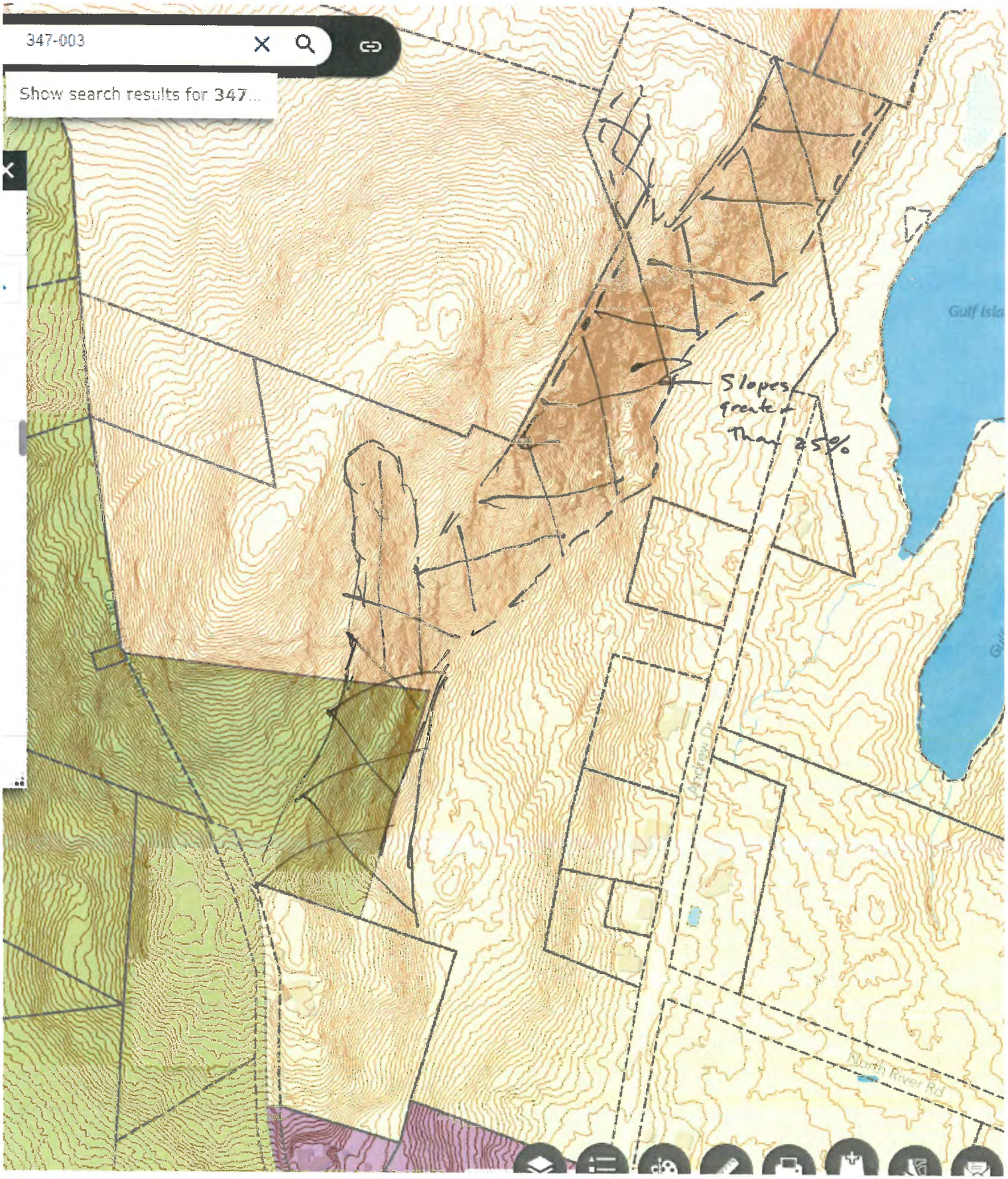
Consideration #6 – Water Quality Protection

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

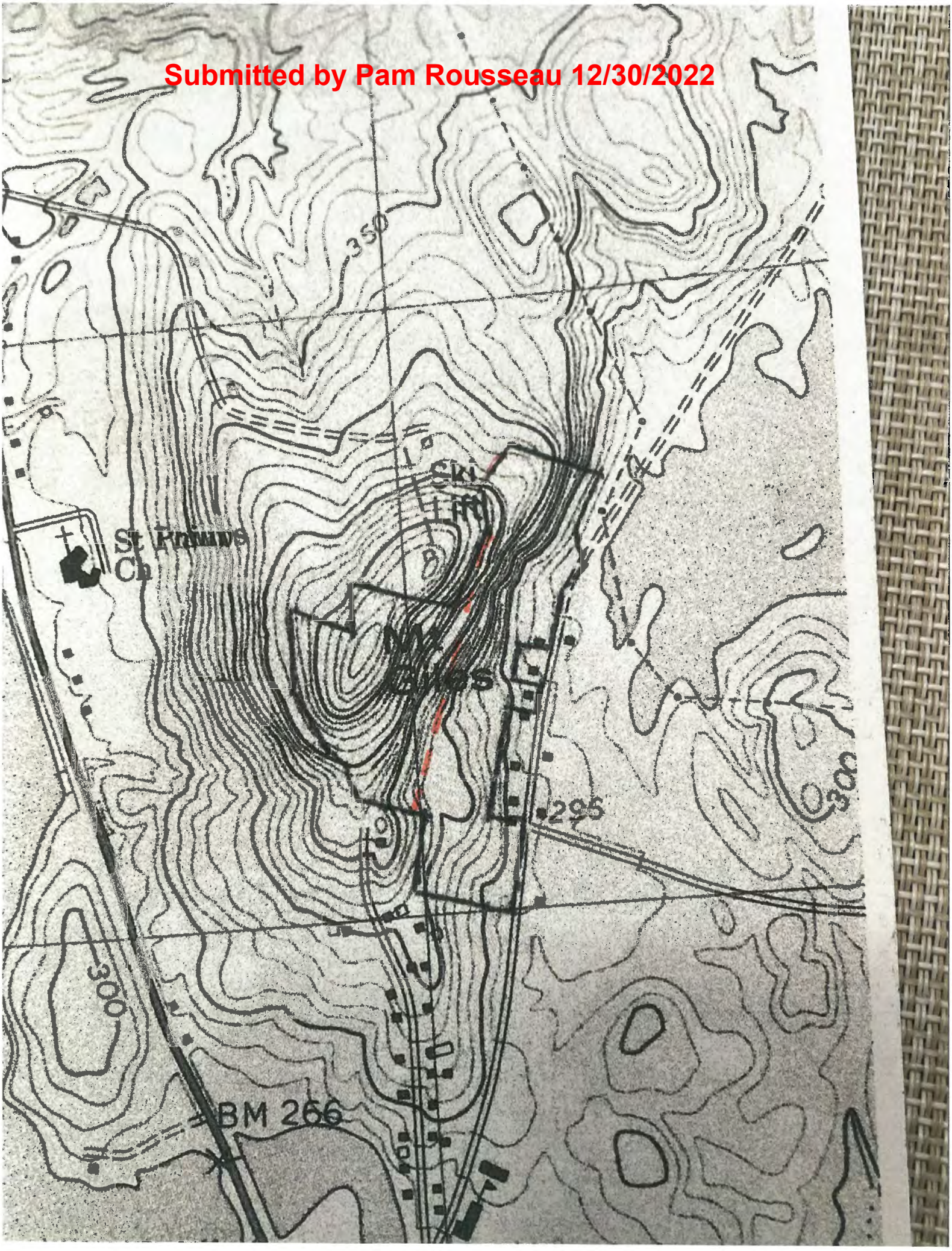
The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property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

4. NEIGHBORHOOD BUSINESS DISTRICTS

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


347-003
Show search results for 347...
Slopes greater Than 25%
Gulf Isla
Arcadia
North River Rd

Submitted by Pam Rousseau 12/30/2022



Oak Hill Rd (Pvt)
Turner Rd
Turner Rd

ORDINANCE 24-12052022

City Council Ordinance

IN CITY COUNCIL

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

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

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023 **Order:** 18-01172023

Author: Eric Cousens, Director of Planning and Permitting

Subject: Order for Staff to draft Text and Map amendments for consideration, Public Hearing and recommendation by the Planning Board that will prohibit any future residential structures and animal farms within the portion of the Lake Auburn watershed zoned "Agriculture and Resource Protection." This should be accomplished by creating a new Resource Protection and/or Conservation zoning district with the specific purpose of conservation and protection of natural resources, open spaces and public purposes and use as suggested by the 2010 Comprehensive Plan and the 2021 Comprehensive Plan Update.

Information: Consider the directive in the attached order and vote to forward to Planning Board. With approximately 70% of the land within the Lake Auburn Watershed, within Auburns municipal boundaries, in the Agriculture and Resource Protection zoning District, this change would solidify the housing prohibitions in the AGRP zone and remove a use from the district that experts consider to be a significant threat to water quality, animal farms. In the City's continuing effort to pursue strong, transparent, easier to understand watershed protection regulations that reduce development potential and hold any developments within the Lake Auburn Watershed to a higher science-based standard for phosphorus control and wastewater disposal, this would be a significant guarantee of protection for the Lake Auburn watershed.

City Budgetary Impacts:

Staff Recommended Action:
Staff suggests Council vote to forward the order to the Planning Board.

Previous Meetings and History:
None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: ORDER

ORDER 18-01172023

City Council Order

IN CITY COUNCIL

Whereas, The City of Auburn continues to take bold steps in the protection of Lake Auburn.

Whereas, The city is pursuing transparent, easier to understand watershed protection regulations that reduce development potential and hold any developments within the Lake Auburn Watershed to a higher science-based standard for phosphorus control and wastewater disposal that has been historically required.

Whereas, Consultant, FB Environmental, hired by the City have recognized the existing prohibitions on housing in the AGRP Zoning District as an effective tool, with no new homes built accessory to farms in the Watershed in over the past 15+ years, LAWPC peer reviews have questioned the approach as still not an absolute prohibition of new homes. Consultant reviews have also identified potential animal farms as a threat to water quality.

Whereas, approximately 70% of the land within the Lake Auburn Watershed, within Auburns municipal boundaries, is in the Agriculture and Resource Protection zoning District.

Whereas, addressing this concern meets the objectives of the City of Auburn to have strong, clear and science-based protections utilizing best practices for development controls, phosphorus treatment and wastewater disposal standards that exceed past practices to protect the water quality of Lake Auburn.

BE IT ORDERED, that the City Council hereby directs Staff to draft ordinance Text and Map amendments for consideration, Public Hearing and recommendation by the Planning Board that will prohibit any future residential structures and animal farms within the portion of the Lake Auburn watershed zoned "Agriculture and Resource Protection." This should be accomplished by creating a new Resource Protection and/or Conservation zoning district with the specific purpose of conservation and protection of natural resources, open spaces and public purposes and use as suggested by the 2010 Comprehensive Plan and the 2021 Comprehensive Plan Update.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: January 17, 2023 **Order:** 19-01172023

Author: John Blais, Deputy Director of Planning and Permitting

Subject: Order for Staff to draft Text amendments for consideration, Public Hearing and recommendation by the Planning Board that will prohibit any new first time Subsurface Wastewater Disposal systems within 300' of Lake Auburn.

Information: Consider the directive in the attached order and vote to forward to Planning Board. In the City's continuing effort to pursue strong, transparent, easier to understand watershed protection regulations that reduce development potential and hold any developments within the Lake Auburn Watershed to a higher science-based standard for phosphorus control and wastewater disposal, this would be an added guarantee of protection for Lake Auburn watershed. Current ordinance prohibits SSWW systems in very well drained coarse soils within 300' of the Lake and tributaries. The draft recommended by Planning board increases that to 400' in specific soils. This proposal would add a prohibition of new SSWW systems within 300' of the Lake, regardless of soil type, and was recommended by peer review consultants hired by the Lake Auburn Watershed Protection Commission and is supported by FB Environnmental's 2021 watershed analysis.

City Budgetary Impacts:

Staff Recommended Action:
Staff suggests Council vote to forward the order to the Planning Board.

Previous Meetings and History:
None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: ORDER, draft ordinance language.

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), one-family detached dwellings are only permitted in the Lake Auburn Watershed District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip 50 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) *Municipal and manure sludge disposal.* All spreading and disposal of municipal sludge shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the water district. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the city water district indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private sewage disposal systems.* The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:

(1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the

subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.

(2) No subsurface absorption area shall be installed closer than 400 feet w~~W~~ithin areas containing soils described as deep, ~~loose~~ and sandy or gravelly and which contain ~~more than 70 percent~~ sand or gravel outwash or stratified drift as shown on table 4D (profiles 5 or 6 and some 11) of the State of Maine Subsurface Wastewater Disposal Rules 10-144, Chapter 241.~~9-3 of the state plumbing code, part II (April 25, 1975),~~ N~~n~~o subsurface absorption area shall be installed closer than 300 feet to the normal high-water mark of Lake Auburn~~any lake, pond, or year-round or intermittent stream~~. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) The city water district shall have the right to inspect any system within the Lake Auburn Watershed District during its construction and operation and may notify the health office, police chief, local plumbing inspector or housing inspector who shall require the abatement of such defects or malfunctions.

(4) The local plumbing inspector shall furnish a copy of all site investigation reports in the Lake Auburn Watershed District to the city water district.

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

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

ORDER 19-01172023

City Council Order

IN CITY COUNCIL

Whereas, The City of Auburn continues to take bold steps in the protection of Lake Auburn with greater restrictive setbacks of disposal fields.

Whereas, The city is pursuing transparent, easier to understand watershed protection regulations that reduce development impacts to lake water quality hold any developers within the Lake Auburn Watershed to a higher science-based standard for phosphorus, nitrogen and nitrates control through wastewater disposal that has been historically required.

Whereas, Outside Consultants and FB Environmental, hired by the City have recognized the existing ordinance in the Lake Auburn Overlay District as an effective tool, with 300' setbacks for disposal fields with well drained soils in the Watershed over the past 15+ years. Consultant reviews have suggested extended that setback in all soils within the watershed.

Whereas, Approximately 34 existing septic systems exist within 300' of the watershed.

Whereas, addressing this concern meets the objectives of the City of Auburn to have strong, clear and science-based protections utilizing best practices for development controls, phosphorus, nitrogen and nitrates treatment and wastewater disposal standards that exceed past practices to protect the water quality of Lake Auburn.

BE IT ORDERED, that the City Council hereby directs Staff to draft ordinance Text amendment for consideration, Public Hearing and recommendation by the Planning Board that will prohibit any future subsurface wastewater disposal fields within 300'of Lake Auburn.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **December 2022 Financial**

DATE: **Report January 11, 2023**

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

The City has completed its sixth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 50.0% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through December 31st, including the school department were $57,740,456, or 53.94%, of the budget. The municipal revenues including property taxes were $38,534,334, or 54.68% of the budget which is 2.50% lower than last year during the same period. The accounts listed below are noteworthy.

The current year tax revenue is at 56.39% as compared to 57.08% last year. This is an increase over last year of $1,024,633.

Excise tax for the month of December is at 52.7%. This is an increase over FY 22, of $53,236.

State Revenue Sharing at the end of December is 61.99% or $2,791,878 which is $122,583 more than last year in December.

Expenditures

City expenditures through December 2022 were $30,020,593 or 58.5% of the budget. This is 2.24 % less than the same period last year. Noteworthy variances are:

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

A. The main variances are Debt Service is $594,447 more than FY22, Public Safety Departments are higher than last year by $182,358 and Public Works is higher than FY 22 by $196,331. The departments that are under last is primarily due to the reorganization of some of these departments.

Investments

This section contains an investment schedule as of December 31st. Currently the City's funds are earning an average interest rate of 2.35%. I was also notified that Androscoggin Bank will be increasing the interest rate on our investments within the next couple of weeks.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of December 2022, November 2022, and June 2022

	December 31 2022	November 30 2022	Increase (Decrease)	UNAUDITED JUNE 30 2022
ASSETS				
CASH	$ 44,481,861	$ 36,657,863	$ 7,823,998	$ 25,056,314
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	1,235,068	1,184,016	51,052	1,461,282
TAXES RECEIVABLE-CURRENT	22,784,200	23,174,917	(390,717)	42,636
DELINQUENT TAXES	460,022	451,375	8,647	395,714
TAX LIENS	688,153	933,058	(244,905)	1,297,627
NET DUE TO/FROM OTHER FUNDS	(16,067,390)	(11,539,778)	(4,527,612)	4,391,622
TOTAL ASSETS	**$ 53,581,913**	**$ 50,861,451**	**$ 2,720,462**	**$ 32,645,195**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ (257,305)	$ (129,033)	$ (128,272)	$ (824,510)
PAYROLL LIABILITIES	(1,354,924)	3,968,052	(5,322,976)	2,948,844
ACCRUED PAYROLL	4,861,578	-	4,861,578	(263,746)
STATE FEES PAYABLE	(98,075)	-	(98,075)	(183)
ESCROWED AMOUNTS	(41,981)	(41,966)	(15)	(40,426)
DEFERRED REVENUE	(23,780,520)	(24,408,995)	628,475	(1,585,602)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (20,671,228)**	**$ (20,611,942)**	**$ (59,286)**	**$ 234,377**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (29,911,869)	$ (27,250,694)	$ (2,661,175)	$ (29,880,756)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (32,910,685)**	**$ (30,249,510)**	**$ (2,661,175)**	**$ (32,879,572)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (53,581,913)**	**$ (50,861,452)**	**$ (2,720,461)**	**$ (32,645,195)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH December 31, 2022 VS December 31, 2021

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU DEC 2021	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 52,463,320	$ 29,586,389	56.39%	$ 50,042,450	$ 28,561,756	57.08%	$ 1,024,633
PRIOR YEAR TAX REVENUE	$ -	$ 597,851		$ -	$ 463,274		$ 134,577
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,322,921	74.74%	$ 1,650,000	$ 1,290,048	78.18%	$ 32,873
EXCISE	$ 4,435,000	$ 2,340,248	52.77%	$ 4,425,000	$ 2,287,012	51.68%	$ 53,236
PENALTIES & INTEREST	$ 120,000	$ 42,500	35.42%	$ 120,000	$ 59,213	49.34%	$ (16,714)
TOTAL TAXES	$ 58,788,320	$ 33,889,908	57.65%	$ 56,237,450	$ 32,661,304	58.08%	$ 1,228,604
LICENSES AND PERMITS							
BUSINESS	$ 190,000	$ 148,945	78.39%	$ 166,000	$ 146,146	88.04%	$ 2,799
NON-BUSINESS	$ 195,250	$ 148,037	75.82%	$ 300,200	$ 198,549	66.14%	$ (50,512)
TOTAL LICENSES	$ 385,250	$ 296,982	77.09%	$ 466,200	$ 344,695	73.94%	$ (47,713)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ 419,774	104.94%	$ 390,000	$ 421,592	108.10%	$ (1,818)
STATE REVENUE SHARING	$ 4,504,100	$ 2,791,878	61.99%	$ 3,150,000	$ 2,669,295	84.74%	$ 122,583
WELFARE REIMBURSEMENT	$ 83,912	$ 25,825	30.78%	$ 90,656	$ 25,852	28.52%	$ (28)
OTHER STATE AID	$ 32,000	$ -	0.00%	$ 32,000	$ 12,579	39.31%	$ (12,579)
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 228,384	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 5,202,012	$ 3,237,477	62.24%	$ 3,891,040	$ 3,129,318	80.42%	$ 108,158
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 361,400	$ 97,340	26.93%	$ 184,400	$ 93,966	50.96%	$ 3,374
PUBLIC SAFETY	$ 30,800	$ 57,323	186.11%	$ 176,600	$ 62,288	35.27%	$ (4,965)
EMS TRANSPORT	$ 1,350,000	$ 705,546	52.26%	$ 1,250,000	$ 747,858	59.83%	$ (42,312)
TOTAL CHARGE FOR SERVICES	$ 1,742,200	$ 860,209	49.37%	$ 1,611,000	$ 904,112	56.12%	$ (43,903)
FINES							
PARKING TICKETS & MISC FINES	$ 28,000	$ 11,336	40.49%	$ 41,500	$ 22,384	53.94%	$ (11,048)
MISCELLANEOUS							
INVESTMENT INCOME	$ 30,000	$ 30,500	101.67%	$ 40,000	$ 10,313	25.78%	$ 20,187
RENTS	$ 75,000	$ 5,259	7.01%	$ 125,000	$ 7,189	5.75%	$ (1,930)
UNCLASSIFIED	$ 20,000	$ 57,174	285.87%	$ 20,000	$ 22,205	111.03%	$ 34,969
COMMERCIAL SOLID WASTE FEES	$ -	$ 26,136		$ -	$ 24,966		$ 1,170
SALE OF PROPERTY	$ 100,000	$ 778	0.78%	$ 120,000	$ 2,936	2.45%	$ (2,158)
RECREATION PROGRAMS/ARENA							$ -
MMWAC HOST FEES	$ 240,000	$ 116,055	48.36%	$ 234,000	$ 116,055	49.60%	$ -
TRANSFER IN: TIF	$ 1,140,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 619,000	$ -	0.00%	$ 473,925	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT	$ -						
CDBG	$ 588,154	$ -	0.00%	$ 252,799	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ 2,521	12.61%	$ 20,000	$ 5,824	29.12%	$ (3,303)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 475,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,332,154	$ 238,423	5.50%	$ 2,900,724	$ 189,488	6.53%	$ 48,935
TOTAL GENERAL FUND REVENUES	**$ 70,477,936**	**$ 38,534,334**	54.68%	**$ 65,147,914**	**$ 37,251,301**	57.18%	**$ 1,283,034**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 34,826,024	$ 18,952,206	54.42%	$ 28,900,061	$ 15,640,250	54.12%	$ 3,311,956
EDUCATION	$ 489,465	$ 236,193	48.26%	$ 518,821	$ 382,312	73.69%	$ (146,119)
SCHOOL FUND BALANCE CONTRIBUTION	$ 1,251,726	$ 17,723	1.42%	$ 879,404	$ -	0.00%	$ 17,723
TOTAL SCHOOL	$ 36,567,215	$ 19,206,121	52.52%	$ 30,298,286	$ 16,022,562	52.88%	$ 3,183,560
GRAND TOTAL REVENUES	**$ 107,045,151**	**$ 57,740,456**	**53.94%**	**$ 91,735,175**	**$ 53,273,862**	**58.07%**	**$ 4,466,593**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH December 31, 2022 VS December 31, 2021

DEPARTMENT	FY 2023 BUDGET	EXP THRU DEC 2022	% OF BUDGET	FY 2022 BUDGET	EXP THRU DEC 2021	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 170,500	$ 74,675	43.80%	$ 104,850	$ 74,125	70.70%	$ 550
CITY MANAGER	$ 510,978	$ 234,364	45.87%	$ 447,401	$ 275,892	61.67%	$ (41,528)
COMMUNICATIONS & ENGAGEMENT	$ 218,746	$ 84,928	38.82%	$ 911,637	$ 530,465	58.19%	$ (445,537)
CITY CLERK	$ 257,506	$ 142,509	55.34%	$ 237,474	$ 118,581	49.93%	$ 23,928
FINANCIAL SERVICES	$ 1,138,802	$ 677,009	59.45%	$ 810,303	$ 380,665	46.98%	$ 296,344
HUMAN RESOURCES	$ 222,099	$ 106,786	48.08%	$ 220,250	$ 101,835	46.24%	$ 4,951
INFORMATION TECHNOLOGY	$ 827,000	$ 503,088	60.83%				
TOTAL ADMINISTRATION	$ 3,345,631	$ 1,823,359	54.50%	$ 2,731,915	$ 1,481,563	54.23%	$ 341,796
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 666,629	$ 370,465	55.57%	$ 900,583	$ 390,474	43.36%	$ (20,009)
ECONOMIC DEVELOPMENT	$ 286,598	$ 159,169	55.54%	$ 108,469	$ 48,104		$ 111,065
BUSINESS & COMMUNITY DEVELOPMENT	$ 671,411	$ 143,261	21.34%	$ 512,260	$ 138,256		$ 5,005
HEALTH & SOCIAL SERVICES	$ 119,875	$ 63,071	52.61%	$ 119,875	$ 41,775	34.85%	$ 21,296
RECREATION & SPORTS TOURISM	$ 762,440	$ 322,955	42.36%	$ 584,056	$ 284,976	48.79%	$ 37,979
PUBLIC LIBRARY	$ 1,084,437	$ 632,590	58.33%	$ 1,052,163	$ 526,082	50.00%	$ 106,508
TOTAL COMMUNITY SERVICES	$ 3,591,390	$ 1,691,511	47.10%	$ 3,277,406	$ 1,429,667	43.62%	$ 261,844
FISCAL SERVICES							
DEBT SERVICE	$ 8,361,254	$ 7,549,963	90.30%	$ 7,734,169	$ 6,955,516	89.93%	$ 594,447
CAPITAL INVESTMENT & PURCHASING	$ 672,473	$ 305,738	45.46%	$ 677,872	$ 435,450	64.24%	$ (129,712)
WORKERS COMPENSATION	$ 698,000	$ 698,000	100.00%	$ 642,400	$ 642,400	100.00%	$ 55,600
WAGES & BENEFITS	$ 7,876,393	$ 3,342,325	42.43%	$ 7,334,932	$ 3,258,388	44.42%	$ 83,937
EMERGENCY RESERVE (10108062-670000)	$ 461,230	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,069,350	$ 11,896,026	65.84%	$ 16,850,603	$ 11,291,754	67.01%	$ 604,272
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 5,693,284	$ 2,850,111	50.06%	$ 5,446,588	$ 2,891,401	53.09%	$ (41,290)
POLICE DEPARTMENT	$ 4,945,034	$ 2,417,088	48.88%	$ 4,343,924	$ 2,193,440	50.49%	$ 223,648
TOTAL PUBLIC SAFETY	$ 10,638,318	$ 5,267,199	49.51%	$ 9,790,512	$ 5,084,841	51.94%	$ 182,358
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 5,600,109	$ 2,350,875	41.98%	$ 5,077,370	$ 2,273,209	44.77%	$ 77,666
SOLID WASTE DISPOSAL*	$ 1,320,000	$ 533,662	40.43%	$ 1,089,950	$ 414,997	38.07%	$ 118,665
WATER AND SEWER	$ 792,716	$ 390,602	49.27%	$ 792,716	$ 390,602	49.27%	$ -
TOTAL PUBLIC WORKS	$ 7,712,825	$ 3,275,139	42.46%	$ 6,960,036	$ 3,078,808	44.24%	$ 196,331
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 203,195	99.12%	$ 177,000	$ 176,115	99.50%	$ 27,080
E911 COMMUNICATION CENTER	$ 1,217,713	$ 608,856	50.00%	$ 1,161,479	$ 580,740	50.00%	$ 28,116
LATC-PUBLIC TRANSIT	$ 431,811	$ -	0.00%	$ 225,000	$ -	0.00%	$ -
LA ARTS	$ 30,000	$ 15,000		$ 10,000	$ 10,000		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,144,524	$ 827,051	38.57%	$ 1,833,479	$ 766,855	41.83%	$ 60,196
COUNTY TAX	$ 2,761,220	$ 2,761,220	100.00%	$ 2,611,080	$ 2,611,080	100.00%	$ 150,140
TIF (10108058-580000)	$ 3,049,803	$ 2,479,088	81.29%	$ 3,049,803	$ 2,867,365	94.02%	$ (388,277)
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 51,313,061**	**$ 30,020,593**	**58.50%**	**$ 47,104,834**	**$ 28,611,933**	**60.74%**	**$ 1,408,660**
EDUCATION DEPARTMENT	$ 55,732,090	$ 18,654,687	33.47%	$ 48,341,366	$ 15,394,746	31.85%	$ 3,259,941
TOTAL GENERAL FUND EXPENDITURES	**$ 107,045,151**	**$ 48,675,280**	**45.47%**	**$ 95,446,200**	**$ 44,006,679**	**46.11%**	**$ 4,668,601**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF December 31, 2022

INVESTMENT		FUND	BALANCE December 31, 2022	BALANCE November 30, 2022	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 11,152,077.10	$ 11,144,532.85	**0.80%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,053,327.40	$ 1,053,223.52	**0.80%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 11,454,665.75	$ 11,392,463.31	**0.80%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 52,730.58	$ 52,694.79	**0.80%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 340,939.18	$ 340,707.64	**0.80%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 227,647.01	$ 227,492.44	**0.80%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 468,231.00	$ 467,163.15	**0.80%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 952,071.29	$ 564,686.75	**0.80%**
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	$ 15,426.95	$ 15,416.49	**0.80%**
NOMURA 1		ELHS Bond Proceeds	$ -	$ -	**0.15%**
NOMURA 2		ELHS Bond Proceeds	$ 47,504,562.00	$ 51,859,388.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
GRAND TOTAL			**$ 75,221,678.26**	**$ 79,117,768.94**	**2.35%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2022 - June 30, 2023
Report as of December 31, 2022

	Beginning Balance 12/1/2022	December 2022					Ending Balance 12/31/2022
		New Charges	Payments	Refunds	Adjustments	Write-Offs	
Bluecross	**$ 9,404.17**	$ 11,633.60	$ (4,031.87)		$ (11,117.31)		**$ 5,888.59**
Intercept	**$ 200.00**	$ 300.00	$ (100.00)		$ 200.00		**$ 600.00**
Medicare	**$ 116,486.49**	$ 190,431.40	$ (47,655.34)		$ (107,303.61)		**$ 151,958.94**
Medicaid	**$ 72,417.65**	$ 51,541.80	$ (35,664.87)		$ (15,958.18)		**$ 72,336.40**
Other/Commercial	**$ 78,303.43**	$ 28,491.40	$ (19,437.43)		$ (15,324.16)		**$ 72,033.24**
	$ 154,176.40	$ 18,295.40	$ (8,668.17)		$ (2,760.76)	$ (22,741.42)	**$ 138,301.45**
Worker's Comp	**$ -**	$ 1,720.60	$ (2,898.92)		$ 1,178.32		**$ -**
TOTAL	**$ 430,988.14**	**$ 302,414.20**	**$ (118,456.60)**	**$ -**	**$ (151,085.70)**	**$ (22,741.42)**	**$ 441,118.62**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2022 - June 30, 2023
Report as of December 31, 2022

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Totals	% of Total
Bluecross	$ 2,477.35	$ 13,307.40	$ 13,596.80	$ 13,635.40	$ 10,192.40	$ 11,633.60	$ 64,842.95	3.66%
Intercept	$ 100.00	$ -	$ 100.00	$ 200.00	$ 200.00	$ 300.00	$ 900.00	0.05%
Medicare	$ 155,398.20	$ 205,712.40	$ 155,567.20	$ 163,526.80	$ 154,190.50	$ 190,431.40	$ 1,024,826.50	57.85%
Medicaid	$ 61,000.80	$ 82,386.60	$ 63,625.60	$ 50,457.40	$ 68,679.75	$ 51,541.80	$ 377,691.95	21.32%
Other/Commercial	$ 38,520.45	$ 50,549.60	$ 28,756.00	$ 21,232.20	$ 18,577.60	$ 28,491.40	$ 186,127.25	10.51%
Patient	$ 8,120.20	$ 12,558.80	$ 18,008.60	$ 32,205.60	$ 18,078.20	$ 18,295.40	$ 107,266.80	6.06%
Worker's Comp	$ 1,803.40	$ 3,664.60	$ -	$ 827.00	$ 1,805.20	$ 1,720.60	$ 9,820.80	0.55%
TOTAL	$ 267,420.40	$ 368,179.40	$ 279,654.20	$ 282,084.40	$ 271,723.65	$ 302,414.20	$ 1,771,476.25	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2022 - June 30, 2023
Report as of December 31, 2022

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Totals	% of Total
Bluecross	3	13	14	14	11	12	67	3.45%
Intercept	1	0	1	2	2	3	9	0.46%
Medicare	170	231	170	180	170	205	1126	57.98%
Medicaid	65	88	69	55	77	57	411	21.16%
Other/Commercial	43	54	30	23	21	33	204	10.50%
Patient	10	13	19	34	20	18	114	5.87%
Worker's Comp	2	4		1	2	2	11	0.57%
TOTAL	294	403	303	309	303	330	1942	100.00%

EMS BILLING
AGING REPORT
July 1, 2022 to June 30, 2023
Report as of December 31, 2022

	Current		31-60		61-90		91-120		121+ days		Totals	
Bluecross	$ 6,569.95	112%	$ 182.12	3%	$ 77.09	1%	$ -	0%	$ (940.57)	-16%	$ 5,888.59	1.33%
Intercept	$ 300.00	50%	$ 300.00	50%	$ -	0%	$ -	0%	$ -	0%	$ 600.00	0.14%
Medicare	$ 121,739.40	80%	$ 13,824.20	9%	$ 6,707.80	4%	$ 6,743.80	4%	$ 2,943.74	2%	$ 151,958.94	34.45%
Medicaid	$ 28,428.66	39%	$ 16,209.13	22%	$ 9,075.50	13%	$ 12,391.69	17%	$ 6,231.42	9%	$ 72,336.40	16.40%
Other/Commercial	$ 25,837.48	36%	$ 12,196.25	17%	$ 9,452.93	13%	$ 7,910.23	11%	$ 16,636.35	23%	$ 72,033.24	16.33%
Patient	$ 45,512.66	33%	$ 28,013.72	20%	$ 28,914.26	21%	$ 19,891.07	14%	$ 15,969.74	12%	$ 138,301.45	31.35%
Worker's Comp											$ -	0.00%
TOTAL	$ 228,388.15		$ 70,725.42		$ 54,227.58		$ 46,936.79		$ 40,840.68		$ 441,118.62	
	52%		16%		12%		11%		9%		100%	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of December 31, 2022

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1928 Vending	1929 Fire Prevention	1931 Donations	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2010 State Drug Money	2011 PD Capital Reserve	2013 OUI Grant	2014 Speed Grant	2016 Pedestrian Safety
Fund Balance 7/1/22	$ 517,052.67	$ 6,919.98	$ 34,914.39	$ 1,421.68	$ 3,039.35	$ -	$ 4,796.03	$ 169.19	$ 2,808.57	$ 79,868.61	$ (153,799.68)	$ 4,289.65	$ 23,595.00	$ 4,356.29	$ 5,520.52	$ 409.11
Revenues FY23	$ 38,413.25	$ 699.00	$ 1,211.20		$ 3,795.00	$ 100.00				$ 200,100.00	$ 101,027.87	$ 45.00	$ 7,327.50		$ 3,193.29	$ 1,053.34
Expenditures FY23	$ 145,743.00	$ 950.00	$ 386.10		$ 2,304.72	$ 499.75		$ 382.50		$ 358,742.20	$ 20,610.71	$ 1,867.53	$ -		$ 3,414.26	$ 917.14
Fund Balance 11/30/2022	**$ 409,722.92**	**$ 6,668.98**	**$ 35,739.49**	**$ 1,421.68**	**$ 4,529.63**	**$ (399.75)**	**$ 4,796.03**	**$ (213.31)**	**$ 2,808.57**	**$ (78,773.59)**	**$ (73,382.52)**	**$ 2,467.12**	**$ 30,922.50**	**$ 4,356.29**	**$ 5,299.55**	**$ 545.31**

	2018 Nat Opioid Settlement	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2050 Project Lifesaver	2051 Project Canopy
Fund Balance 7/1/22	$ -	$ (8,205.29)	$ 1,069,816.45	$ 30,822.46	$ -	$ 46,171.40	$ 2,560.00	$ 8,281.24	$ 20,536.23	$ 22,850.45	$ (930.00)	$ 92,332.26	$ (1,695.00)	$ -	$ 189.35	$ (9,519.48)
Revenues FY23	$ 211,035.72		$ 447,339.73	$ 119.34	$ 31,165.02	$ 72,384.50		$ 2,288.40		$ 3,360.73	$ 930.00	$ 15,066.91		$ 12,000.00		$ 7,996.88
Expenditures FY23			$ 650,295.87	$ 137.00		$ 83,087.07		$ 2,909.14		$ 2,437.50		$ 3,407.21	$ 49,569.53	$ 9,786.95		
Fund Balance 11/30/2022	**$ 211,035.72**	**$ (8,205.29)**	**$ 866,860.31**	**$ 30,804.80**	**$ 31,165.02**	**$ 35,468.83**	**$ 2,560.00**	**$ 7,660.50**	**$ 20,536.23**	**$ 23,773.68**	**$ -**	**$ 103,991.96**	**$ (51,264.53)**	**$ 2,213.05**	**$ 189.35**	**$ (1,522.60)**

	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME-PAL	2059 Distracted Driving	2067 Hometown Heros Banners	2068 Northern Borders Grant	2070 Leadercast	2077 CTCI Gramt	2080 Futsol Court Project	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	6200 Ingersoll Turf
Fund Balance 7/1/22	$ 21,359.27	$ 170,048.62	$ 4,911.03	$ 898.69	$ 209.00	$ 178,046.71	$ (3,500.00)	$ 1,719.02	$ 25,353.61	$ 12,716,078.13	$ (1,443.69)	$ 10,000.00	$ 232,365.87	
Revenues FY23	$ (169.65)	$ 175,713.64		$ 508.14						$ 271,022.81	$ 6,829.89		$ 195,374.73	
Expenditures FY23				$ 604.26				$ 481.25		$ 768,354.31	$ 9,979.29		$ 314,531.28	
Fund Balance 11/30/2022	**$ 21,189.62**	**$ 345,762.26**	**$ 4,911.03**	**$ 802.57**	**$ 209.00**	**$ 178,046.71**	**$ (3,500.00)**	**$ 1,237.77**	**$ 25,353.61**	**$ 12,218,746.63**	**$ (4,593.09)**	**$ 10,000.00**	**$ 113,209.32**	**$ -**

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues
Fund Balance 7/1/22	**$ 78,950.70**	**$ 806,274.01**	**$ 237,684.12**	**$ (519,427.49)**	**$ 455,494.65**	**$ (900,465.25)**	**$ (0.03)**	**$ (2,663.69)**	$ 1,120.91	$ 50,241.31	$ 84,060.95	$ 33,113.81	$ 13,914.35	$ (102,204.06)	$ -	$ 15,400,711.98
Revenues FY23	$ 190,974.78		$ 865,341.00	$ 157,316.00	$ 294,264.43	$ 448,773.33	$ 48,589.45	$ 30,616.50	$ 56,495.08	$ 48,218.63	$ 96,002.45	$ 113,293.40	$ 35,248.40	$ 34,426.44	$ 59,527.65	$ 4,289,019.78
Expenditures FY23			$ 299,441.66	$ 244,200.00	$ 69,152.14	$ 105,461.73	$ 14,576.84			$ 12,054.66	$ 24,000.61	$ 136,134.34	$ 17,624.20	$ 6,034.48		$ 3,360,079.23
Fund Balance 11/30/2022	**$ 269,925.48**	**$ 806,274.01**	**$ 803,583.46**	**$ (606,311.49)**	**$ 680,606.94**	**$ (557,153.65)**	**$ 34,012.58**	**$ 27,952.81**	**$ 57,615.99**	**$ 86,405.28**	**$ 156,062.79**	**$ 10,272.87**	**$ 31,538.55**	**$ (73,812.10)**	**$ 59,527.65**	$ 16,329,652.53

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for December 31, 2022

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of December 31, 2022.

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of December 31, 2022.

Current Assets:
As of the end of December 2022 the total current assets of Ingersoll Turf Facility were $257,362. This consisted of cash and cash equivalents.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building, and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of December 31, 2022, were $61,779.

Liabilities:
Ingersoll had accounts payable of $105 as of December 31, 2022.

Statement of Activities:

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

The operating revenues for Ingersoll Turf Facility through December 2022 are $76,802. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through November 2022 were $21,280. These expenses include program costs and capital purchases. Personal and operating costs are now in the Recreation budget.

As of December 2022, Ingersoll has an operating gain of $55,522 compared to a net gain in November 2022 of $34,336.

As of December 31, 2022, Ingersoll has an increase in net assets of $55,522.

The budget to actual reports for revenue and expenditures, show that the revenue for FY23 compared to FY 22.

Statement of Net Assets
Ingersoll Turf Facility
December 31, 2022
Business-type Activities - Enterprise Fund

		December 31, 2022	November 30, 2022	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 227,492	$ 227,360	$ 132
Interfund receivables/payables		$ 29,870	$ 9,116	20,754
Accounts receivable		-	-	-
	Total current assets	257,362	236,476	20,886
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(748,757)	(748,757)	-
	Total noncurrent assets	61,779	61,779	-
	Total assets	319,141	298,255	20,886
LIABILITIES				
Accounts payable		$ 105	$ 405	(300)
Interfund payable		$ -	$ -	-
Total liabilities		105	405	(300)
NET ASSETS				
Invested in capital assets		$ 61,779	$ 61,779	$ -
Unrestricted		$ 257,257	$ 236,071	$ 21,186
Total net assets		**$ 319,036**	**$ 297,850**	**$ 21,186**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
December 31, 2022

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 76,802
Operating expenses:	
Personnel	172
Supplies	5,331
Utilities	
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	14,136
Other expenses	1,641
Total operating expenses	21,280
Operating gain (loss)	55,522
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	55,522
Transfers out	-
Change in net assets	55,522
Total net assets, July 1	263,514
Total net assets, December 31, 2022	**$ 319,036**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through December 31, 2022 compared to December 31, 2021

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU DEC 2021	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 2,000		$ 25,000	$ 5,275	21.10%
Batting Cages		$ 5,322		$ 16,000	$ 7,870	49.19%
Programs		$ 18,707		$ 94,000	$ 23,775	25.29%
Rental Income		$ 50,297		$ 138,000	$ 43,566	31.57%
TOTAL CHARGE FOR SERVICES	$ -	$ 76,326		$ 273,000	$ 80,486	29.48%
INTEREST ON INVESTMENTS	$ -	$ 476		$ -	$ 304	
GRAND TOTAL REVENUES	**$ -**	**$ 76,802**		**$ 273,000**	**$ 80,790**	**29.59%**

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY Through
December 31, 2022 compared to December 31, 2021

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU DEC 2022	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU DEC 2021	% OF BUDGET	Difference
Salaries & Benefits	See Recreation B	$ 172		$ 133,041	$ 52,682	39.60%	$ (52,510)
Purchased Services				$ 15,750	$ 1,952	12.39%	$ (1,952)
Programs		$ 5,331		$ 16,300	$ -	0.00%	$ 5,331
Supplies		$ 1,641		$ 2,500	$ 5,243	209.72%	$ (3,602)
Utilities				$ 24,150	$ 5,045	20.89%	$ (5,045)
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 14,136		$ -	$ 3,000		$ 11,136
	$ -	$ 21,280		$ 191,741	$ 67,922	35.42%	$ (46,642)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 21,280**		**$ 191,741**	**$ 67,922**	**35.42%**	**$ (46,642)**

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for December 31, 2022

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of December 31, 2022.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, November 30, 2022.

Current Assets:
As of the end of December 2022 the total current assets of Norway Savings Bank Arena were ($1,315,743). These consisted of cash and cash equivalents of $281,162, accounts receivable of $133,331, and an interfund payable of $1,730,236.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of December 31, 2022, was $147,691.

Liabilities:
Norway Arena had no accounts payable as of December 31, 2022.

Statement of Activities:

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

The operating revenues for Norway Arena through December 2022 are $421,435. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through December 2022 were $353,637. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of December 2022, Norway Arena had an operating gain of $67,798.

As of December 31, 2022 Norway Arena has an increase in net assets of $67,798.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $80,388 more than in FY22 and expenditures in FY23 are $57,312 more than last year in December.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
December 30, 2022
Business-type Activities - Enterprise Fund

		December 31 2022	November 30 2022	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 281,162	$ 280,889	$ 273
Interfund receivables		$ (1,730,236)	$ (1,720,627)	$ (9,609)
Prepaid Rent				$ -
Accounts receivable		133,331	99,561	$ 33,770
	Total current assets	(1,315,743)	(1,340,177)	24,434
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		514,999	514,999	-
Land improvements		-	-	-
Less accumulated depreciation		(425,531)	(425,531)	-
	Total noncurrent assets	147,691	147,691	-
	Total assets	(1,168,052)	(1,192,486)	24,434
LIABILITIES				
Accounts payable		$ -	$ -	$ -
Net OPEB liability		$ 43,810	$ 43,810	$ -
Net pension liability		42,634	42,634	-
Total liabilities		86,444	86,444	-
NET ASSETS				
Invested in capital assets		$ 147,691	$ 147,691	$ -
Unrestricted		$ (1,402,187)	$ (1,426,621)	$ 24,434
Total net assets		**$ (1,254,496)**	**$ (1,278,930)**	**$ 24,434**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
December 30, 2022

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 421,435
Operating expenses:	
Personnel	181,926
Supplies	20,818
Utilities	69,447
Repairs and maintenance	41,393
Insurance Premium	-
Depreciation	
Capital expenses	23,794
Other expenses	16,259
Total operating expenses	353,637
Operating gain (loss)	67,798
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	67,798
Transfers out	-
Change in net assets	67,798
Total net assets, July 1	(1,322,294)
Total net assets, December 31, 2022	**$ (1,254,496)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through December 31, 2022 compared to December 31, 2021

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU DEC 2022	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU DEC 2021	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500	$ 9,000	54.55%	$ (9,000)
Skate Rentals	$ 6,000		0.00%	$ 6,000	$ 425	7.08%	$ (425)
Pepsi Vending Machines	$ 2,000	$ 523	26.15%	$ 2,000	$ 494	24.70%	$ 29
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ 739	24.63%	$ (739)
Vending Food	$ 2,000	$ 374	18.70%	$ 2,000	$ 66	3.30%	$ 308
Sponsorships	$ 230,000	$ 86,382	37.56%	$ 185,000	$ 81,034	43.80%	$ 5,348
Pro Shop	$ 7,000	$ 2,340	33.43%	$ 7,000	$ 2,754	39.34%	$ (414)
Programs	$ 20,000		0.00%	$ 20,000	$ -	0.00%	$ -
Rental Income	$ 702,000	$ 273,824	39.01%	$ 683,500	$ 221,675	32.43%	$ 52,149
Camps/Clinics	$ 50,000	$ 21,010	42.02%	$ 50,000	$ 24,860	49.72%	$ (3,850)
Tournaments	$ 50,000	$ 36,982	73.96%	$ 50,000	$ -	0.00%	$ 36,982
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 421,435	38.72%	$ 1,025,000	$ 341,047	33.27%	$ 80,388

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through December 31, 2022 compared to December 31, 2021

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU DEC 2022	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU DEC 2021	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 181,926	62.50%	$ 339,437	$ 104,595	30.81%	$ 77,331
Purchased Services	$ 136,900	$ 57,652	42.11%	$ 123,928	$ 45,200	36.47%	$ 12,452
Supplies	$ 76,562	$ 20,818	27.19%	$ 79,000	$ 37,598	47.59%	$ (16,780)
Utilities	$ 267,000	$ 69,447	26.01%	$ 250,350	$ 108,932	43.51%	$ (39,485)
Capital Outlay	$ 50,000	$ 23,794	47.59%	$ 42,500	$ -	0.00%	$ 23,794
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 353,637	43.04%	$ 835,215	$ 296,325	35.48%	$ 57,312
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 353,637**	**43.04%**	**$ 835,215**	**$ 296,325**	**35.48%**	**$ 57,312**

City Council Workshop & Meeting
Agenda
February 13, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Spring Clean Up – Denis D'Auteuil
B. Sale of City Owned Property – Jay Brenchick
C. Proposed Ordinance Amendment related to Public Safety, Detention, and Correctional Facilities – Eric Cousens
D. CDBG & HOME Consortium Annual Action Plan Process – Glen Holmes
E. Executive Session – Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 21-01032023*
Re-appointing Robert Cavanagh to the Auburn Sewer District Board of Trustees, with a term expiration of 3/1/2027.

2. Order 22-01032023*
Re-appointing Jason Pawlina to the Auburn Water District Board of Trustees, with a term expiration of 3/1/2027.

II. Minutes – January 17, 2023 Regular Council Meeting

III. Communications, Presentations and Recognitions

- State of the City Address – Mayor Jason Levesque
- Communication from Frederick Kunas (Auburn Suburban Baseball & Softball)
- Special City Council Meeting – February 17, 2023
- Council Communications (about and to the community)

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

V. Unfinished Business

1. Ordinance 24-12052022
Zoning Map Amendment - Amending a portion of 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), and Low-Density Country Residential (LDCR), zoning districts to the Suburban Residential (SR) as recommended by the Planning Board. Public hearing and second reading.

2. Order 165-12192022
Allocating $145,000 of ARPA (American Rescue Plan Act) funds for the acquisition of the Shovel Ready Housing Plans.

VI. New Business

1. Public hearing – CDBG & HOME Annual Action Plan

2. Ordinance 02-02132023
Amending the definition and use of standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/or Government Offices at a site on which the use does not currently exist. First reading.

3. Order 23-02132023
Authorizing the City Manager to execute a CBA between the City of Auburn and the Auburn Firefighters Association Local 797.

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

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. Jill Eastman, Finance Director – January Finance Report

IX. Executive Sessions

- Labor contract negotiations (Police Patrol), pursuant to 1 M.R.S.A. §405(6)(D).
- Labor contract negotiations (Police Command), pursuant to 1M.R.S.A. §405(6)(D).
- Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023

Author: Denis D'Auteuil

Subject: Spring Clean Up 2023

Information: Public Works staff will update the City Council on the plans for Spring Clean Up and introduce the City's year round Bulky Waste Disposal Program for 2023.

City Budgetary Impacts: TBD

Staff Recommended Action: Discussion

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

City of Auburn
City Council Information Sheet
February 13, 2023

Council Workshop Date: February 13, 2023

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of City-Owned Properties

Information: The Economic Development department has identified 3 city-owned properties that have the potential to create economic impact if sold. The Economic Development Department will market the properties to be sold via the city approved bid process.

City Budgetary Impacts: None

Staff Recommended Action: Approve the order at the March 6, 2023 meeting.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: City Owned Properties

City of Auburn
Proposed Sale of City-Owned Properties
City Council Workshop February 13, 2023

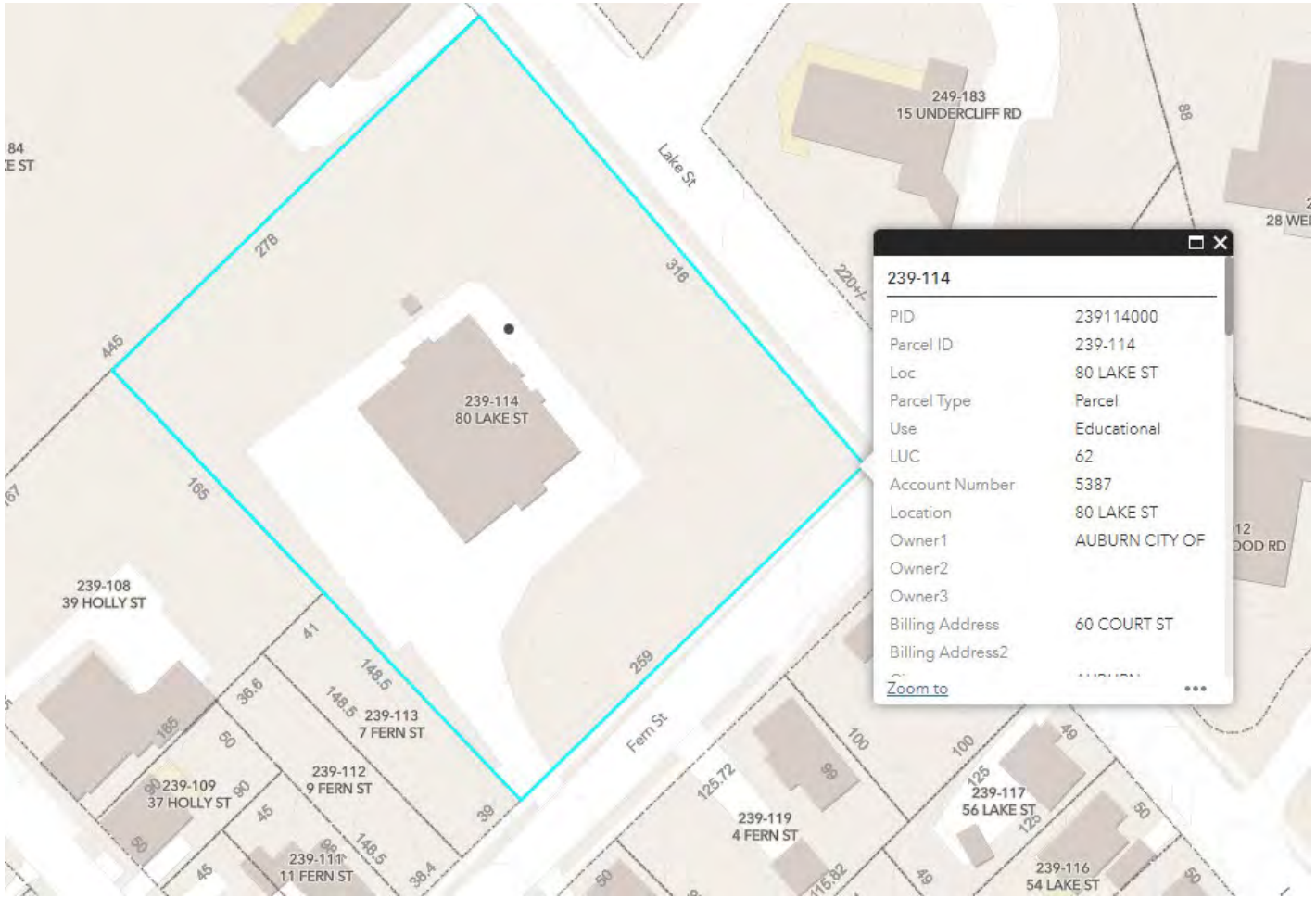
Jay Brenchick, Director of Economic Development

Subject: The City of Auburn Economic Development Department seeks approval to sell the city-owned properties below through the city's approved bid process.

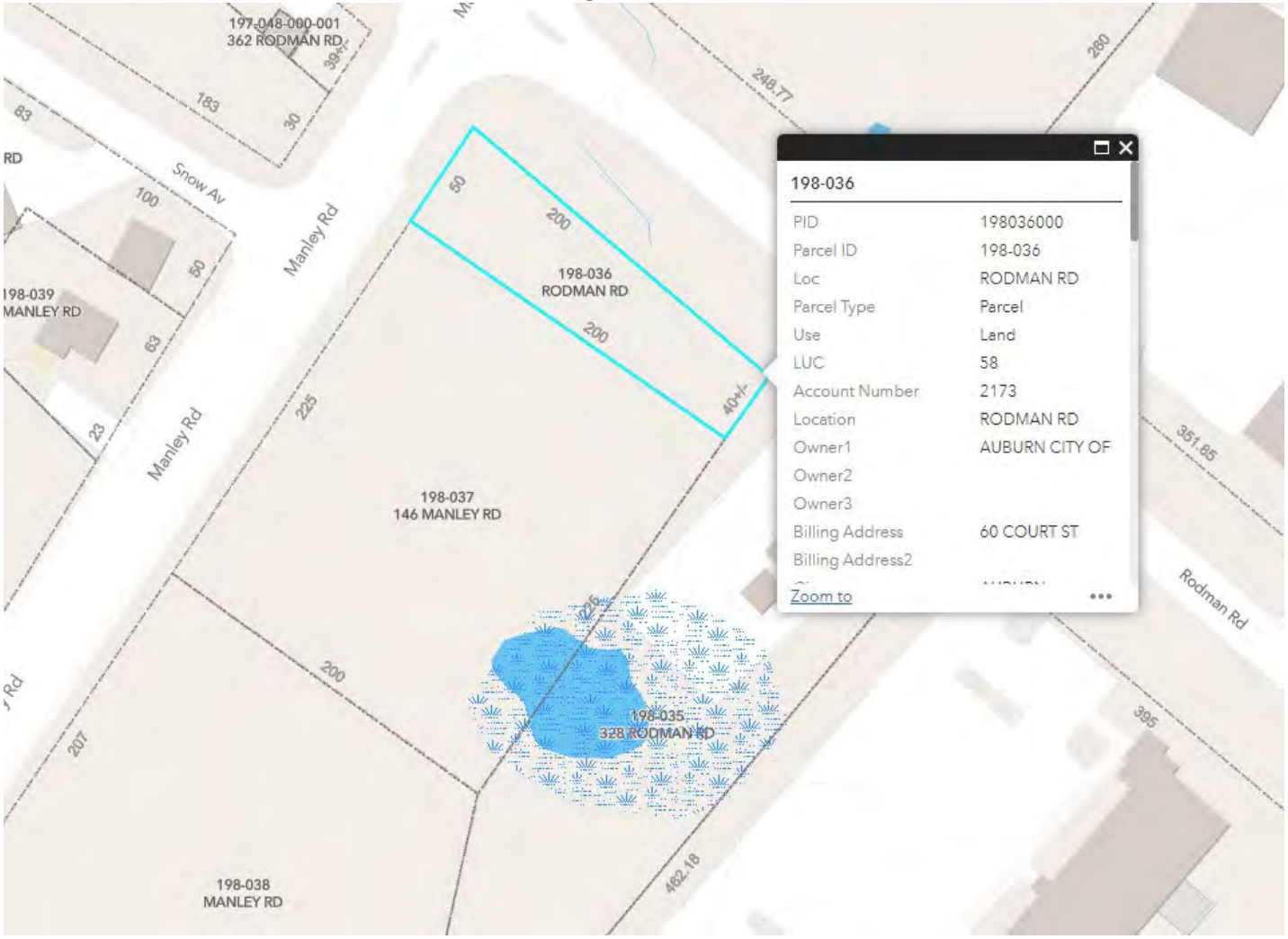
Address	Description
121 Mill Street	Parcel ID: 221-041
80 Lake Street (Lake Street School)	Parcel ID: 239-114
Rodman Rd	Parcel ID: 198-036

121 Mill Street / Parcel ID 221-041
4.58+/- Total Acres and 30,930 sf Building
Zoning: Downtown Traditional Center T-5.1

80 Lake Street / Parcel ID 239.114
Lake Street School
1.88 Acres +/- and 14,820 sf Building
Zoning: T-4 2B Traditional Neighborhood Development District



Rodman Rd / Parcel ID 198-036
.22 Acres +/-
Zoning: UR Urban Residential



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023

Author: Eric Cousens, Director of Planning and Permitting

Subject: Workshop in preparation for First Reading on a Zoning text amendment related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices.

Information: Zoning text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

This is a workshop to ask questions and clarify how the draft ordinance would work for review of specified uses. First reading is scheduled for later tonight, a Planning Board Public Hearing is scheduled for 2/14/23 and Second reading with Public Hearing is scheduled for City Council on 2/17/23. In summary the proposed ordinance established new definitions for Public Safety Facilities, correctional facilities and related uses. Prior to this there was only a broad category of Government Offices and Services that could cover a wide range of uses that had very different potential impacts. The Planning Board and staff worked to define the different uses using other communities and best practices as a guide and then to determine where they could be appropriate and what special impacts should be addressed by conditions. Attached is the draft text. Correctional facilities and jails will be limited to T5.2 (where one exists) and the Industrial district. Public safety facilities will be allowed more broadly as a special exception with Planning Board review and with an approval by the City Council after review of a needs and impacts analysis specific to any proposed facility. The needs and impacts analysis would be easier to justify where impacts from existing facilities already exist and residents are used to living with them. Government Offices/services with more office related functions, other than Public safety and correctional facilities/jails, would be allowed even more broadly as shown in the attached amendment.

City Budgetary Impacts: None

Staff Recommended Action: Review and discuss in preparation for First reading later tonight.

Previous Meetings and History: None. Partly discussed when a moratorium was put in place in 2022.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance amendment language, Use Matrix used for discussion with Planning Board Planning Board staff report.

Definitions Matrix Planning Board and Staff Updates												February 2, 2023				
Definitions	**AG**	**LDCR**	**RR**	**SR**	**UR**	**MFs**	**NB**	**GB**	**GBII**	**T-4.1**	**T-4.2B**	**T-4.2**	**T-5.1**	**T-5.2**	**T-6**	**ID**
PUBLIC SAFETY SERVICES	X	X	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Facilities operated by public agencies to provide services relating to the general health, safety, and welfare of the population, including but not limited to fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarter, and emergency response services, excluding interim incarceration, lock-up or jail facilities.																
CORRECTIONAL INSTITUTION	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	S
A publicly or privately operated facility generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court																
LOCK-UP FACILITY																
"Lock-up" means a facility designated by law or regularly used for detention for a temporary period before trial or transfer to a jail or other facility																
GOVERNMENT SERVICES	X	X	S	S	S	S	S	S	S	S	S	S	S	S	S	S
For the purposes of this chapter, "government services" shall include the functions performed by the various government agencies in the City. Government services shall include but not be limited to the following: government administration, courts, public schools, postal services, public works and municipal utilities.																
GOVERNMENT OFFICES	X	X	S	S	S	S	S	S	S	S	S	S	S	S	S	S
A room or group of rooms used for conducting the affairs of a government entity, not entailing the sale of goods except that which is clearly incidental.																
MUNICIPAL OR PUBLIC UTILITIES AND COMMUNICATIONS FACILITIES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
The use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. "Public utility" also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for or commodities delivered to the public or any portion thereof. Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. For the purposes of this chapter, a municipal or public utility or communications facility includes, but is not limited to, the following: a private telephone company or paging service, any utility regulated by the Maine Public Utilities Commission, and any other commercial communications tower.																
MUNICIPAL USES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal uses means any lawful use of a building or of land carried on by the city. Sanitary landfill shall not be deemed a municipal use.																
JAIL																
"Jail" means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.																
DETENTION FACILITY	X	X	X	X	X	X	X	X	X	X	X	X	X	S	X	X
In the case of an adult or juvenile, "detention" means the confining of an adult held in lawful custody in a specially constructed or modified facility designed to ensure continued custody and control. Detention may be confinement before trial or another hearing by a court or confinement to serve court-imposed sentences or dispositions and may be in a half way house, safe voices, step-down, jail or lock-up facility.																

Special Exception	S
Permitted	P
Prohibited	X

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

(1) Bed and breakfast homes or inns;

(2) Restaurants, diners or cafes;

(3) Art studios and galleries;

(4) Performing arts centers;

(5) Medical and dental clinics;

(6) Office space;

(7) Municipal and government uses; and

(8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit.*

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a towtruck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or *lodginghouse* means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure.*)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child care home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

(1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.

(2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Correctional institution means a publicly or privately operated facility generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Detention facility mean In the case of an adult or juvenile, "detention" means the confining of an adult or juvenile held in lawful custody in a specially constructed or modified facility designed to ensure continued custody and control. Detention may be confinement before trial or another hearing by a court or confinement to serve court-imposed sentences or dispositions and may be in a step-down, jail, half-way house or lock-up facility.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or *zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Government offices means a room or group of rooms used for conducting the affairs of a government entity, not entailing the sale of goods except that which is clearly incidental.

Government services means for the purposes of this chapter, "government services" includes the functions performed by the various government agencies in the city. Government services includes the following: government administration, courts, public schools, postal services, public works and municipal utilities.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

(1) The sale of greenhouse products and related supplies; and

(2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling

shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

(1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or

(2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. Illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

(1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or

(2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School.*)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Jail means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

Junkyard or *automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lock-up facility means a facility designated by law or regularly used for detention for a temporary period before trial or transfer to a jail or other facility.

Lodge, private. See the term *Club, private.*

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to

provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;

(5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

(1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.

(2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

(1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)

(2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

(3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

(4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

(1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;

(2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;

(3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or *earth removing* means the excavation of any earth materials.

Minor arterial highway means the highway that:

(1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;

(2) Provides access to geographic areas smaller than those served by the major arterial highway system; and

(3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities,

including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal or public utilities and communication facilities means the use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. "Public utility" also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for or commodities delivered to the public or any portion thereof. Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. For the purposes of this chapter, a municipal or public utility or communications facility includes, but is not limited to, the following: a private telephone company or paging service, any utility regulated by the Maine Public Utilities Commission, and any other commercial communications tower.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery

products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

(1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and

(2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Public Safety Services Facilities operated by public agencies to provide services relating to the general health, safety, and welfare of the population, including but not limited to fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarter, and emergency response services, excluding correctional facility, interim incarceration, lock-up or jail facilities.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeetor trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school.*)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or*office mall* means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

(1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;

(2) A way accepted by the municipal officers of the city;

(3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or

(4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage.*

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or *building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home.*

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or *RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District.*

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021)

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Secs. 60-116—60-143. Reserved.

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

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

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.

c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.

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

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel can reasonably accommodate the proposed farm.

3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:

4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

5. The proposed residence shall be accessory to farming.

6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.

e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department

of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

(20) Municipal or public utilities and communications facilities

(21) Municipal uses

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided

that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).

(2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

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

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

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

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

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

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

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

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

Sec. 60-202. Dimensional requirements.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

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

Secs. 60-203—60-227. Reserved.

DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-228. Purpose.

This district is intended to provide for low density rural residential areas while protecting adjacent agriculture and resource protection districts, allowing a degree of residential development compatible with maintenance of environmental quality and preservation of the open character of the area.

(Ord. of 9-21-2009, § 3.41A)

Sec. 60-229. Use regulations.

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

(1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(6) Licensed veterinarians provided that the lot is of at least three acres.

(7) Wayside stands.

(8) Accessory uses, buildings or structures.

(9) Lawn maintenance services.

(10) Municipal uses and buildings.

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

(1) Radio, radar, television and radio-telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, buildings occupants, land uses and properties.

b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(2) Care homes, lodginghouses and boardinghouses.

(3) Recreational uses of land intended or designed for public use, subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(4) Child day care centers, provided that:

a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.

b. They shall not be located closer than 1,000 feet from other established day care centers.

c. These standards shall not apply to section 60-52.

(5) Cemeteries, provided that:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(6) Community-based residential facilities, provided that:

a. The minimum distance between any two such facilities shall be 1,500 feet.

b. Any such facility shall house no more than eight persons.

(7) Licensed kennels provided that there shall be available land area of at least three acres.

(8) Training schools.

(9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(10) Adult day centers.

(11) Landscape services.

(12) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(13) Schools.

(14) Churches or temples.

(15) Libraries.

(16) Museums.

(17) Adaptive reuse of structures of community significance.

(18) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(19) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(20) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(21) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.41B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 12-08192019, 9-9-2019; Ord. No. 11-03012021, § 12, 3-15-2021)

Sec. 60-230. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 43,560 square feet and measuring less than 250 feet in width. No lot shall be less than 150 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted, provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. A public building, church or temple, and accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.41C; Ord. No. 11-03012021, §§ 13, 14, 3-15-2021)

Secs. 60-231—60-253. Reserved.

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-254. Purpose.

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

(Ord. of 9-21-2009, § 3.42A)

Sec. 60-255. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Greenhouses.

(7) Licensed veterinarians, provided that the lot containing same is of at least three acres.

(8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:

a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.

b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.

c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.

(9) Wayside stands.

(10) Accessory uses, buildings or structures.

(11) Lawn maintenance services.

(12) Municipal uses and buildings.

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

(1) All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by section 60-229(b)(3), (9), (11) and (12).

(2) Professional offices may be created within existing single-family residences in existence at the time of adoption of this chapter, provided the following conditions are met:

a. Such residences shall have frontage on a major arterial as defined in the city's comprehensive plan.

b. Access to parking shall be located on the arterial frontage except for corner lots, in which case access may be located on the secondary roadway frontage.

c. In addition to meeting the requirements of article V of this chapter, required parking shall be separated from all lot lines by a buffer of 30 feet in width. Such buffer shall be vegetated in a manner to fully screen parked vehicles from view at the lot lines. A driveway serving such a parking area must be separated from the side lot line by a sight impervious fence of six feet in

height or a buffer of ten feet in width meeting the vegetation requirements of this subsection (b)(2)c.

d. Signage shall be limited to a single nonilluminated sign with a maximum of 16 square feet of display per side.

(3) Adaptive reuse of structures of community significance.

(4) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(5) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(7) Municipal or public utilities and communication facilities

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

Sec. 60-256. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 21,780 square feet, and measuring less than 150 feet in width; and measuring less than 125 feet in depth.

(2) *Density.* The density of dwelling units shall not exceed an average of two dwellings per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.42C; Ord. No. 11-03012021, § 18, 3-15-2021)

Secs. 60-257—60-275. Reserved.

DIVISION 6. URBAN RESIDENCE DISTRICT

Sec. 60-276. Purpose.

This district is intended to provide for, protect and stabilize medium density urban residential areas of single- and two-family detached dwellings and their adjunct public and institutional uses. It is designed to ensure a family living environment in an urban setting through lot size requirements that provide adequate yard space for family outdoor activity and play space for children.

(Ord. of 9-21-2009, § 3.43A)

Sec. 60-277. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Accessory uses building or structures.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Municipal uses and buildings.

(b) *Special exception uses.* All uses permitted by special exception in the Suburban Residence (SR) District (division 5 of article IV of this chapter), except radio, radar, television and radio-telephone transmitting towers are permitted in the Urban Residence (UR) District.

(1) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.43B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 19, 20, 3-15-2021)

Sec. 60-278. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 10,000 square feet; and measuring less than 100 feet in width. No lot shall be less than 100 feet in depth. No two-family dwelling shall be erected on a lot containing less than 12,000 square feet.

(2) *Density.* The density of single-family dwelling units shall not exceed four units per acre. The density of two-family dwelling units shall not exceed six units per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.43C; Ord. No. 11-03012021, § 21, 3-15-2021)

Secs. 60-279—60-304. Reserved.

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Multifamily dwellings in existence on September 23, 1988.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Shelter for abused persons.

(7) Accessory uses, buildings or structures.

(8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(9) Municipal uses and buildings.

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

(1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).

(2) Off-street parking lot, provided that:

a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.

b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.

(3) Professional offices.

a. Shall be in buildings which are listed on the state resource list and/or federal historic register.

b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.

c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.

(4) Adaptive reuse of structures of community significance.

(5) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(7) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(8) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021)

Sec. 60-307. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:

a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.

(2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

a. Multifamily buildings shall have a maximum height of 45 feet from grade.

b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Secs. 60-308—60-332. Reserved.

DIVISION 8. RESERVED[1]

Secs. 60-333—60-358. Reserved.

DIVISION 9. PLANNED UNIT DEVELOPMENTS

Subdivision I. In General

Sec. 60-359. Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the planning board's evaluation of the development proposal and the purposes standards and provisions set forth in this division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-360. Scope.

(a) Application for a PUD-C Planned Unit Development, PUD-I Planned Unit Development or PUD-R Planned Unit Development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. Application for a PUD-RR Planned Unit Development: Recreation/Residential may be made for land located where public sewer is presently available, will be made available by the developer prior to certificates of occupancy being issued or may utilize private wastewater disposal systems in compliance with state plumbing codes.

(b) The dimensional requirements stated in individual zoning districts and signs as stated in article VI of this chapter may be increased or decreased by the planning board as they apply to planned unit developments, except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in section 60-359, purpose, and section 60-361, general standards.

(c) Coordination with subdivision regulations.

[1]Editor's note(s)—Ord. No. 25-06212021, adopted July 19, 2021, repealed div. 8, §§ 60-333—60-335, which pertained to the multifamily urban district and derived from an Ord. adopted September 21, 2009; Ord. No. 05-04032017, adopted April 24, 2017; and Ord. No. 11-03012021, adopted March 15, 2021.

(1) If a plan review is required under division 4 of article XVI subdivision of this chapter, it shall be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.

(2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI subdivision of this chapter relative to final plans where applicable.

(3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 27, 3-15-2021)

Sec. 60-361. General standards.

The following provisions apply to all planned unit development districts:

(1) The dimensional requirements as stated in individual zoning districts shall apply within the PUD but may be increased or decreased due to individual site characteristics as determined by the planning board to promote the purposes set forth in section 60-359 of this chapter.

(2) The planning board may increase or decrease the required number of off-street parking spaces as stated in article V of this chapter in consideration of the following factors:

a. The probable number of cars owned by occupants of dwellings in the planned unit development;

b. The parking needs of any nonresidential uses;

c. Varying time periods of use, and whatever joint use of common parking areas is proposed.

(3) Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.

(4) A PUD involving residential uses shall reserve an amount of land equal to that required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD or open to the public. Land reserved to satisfy the open space requirement shall be:

a. Administered through a homeowner's association; or

b. Dedicated to and accepted by the city for public use; or

c. Land occupied by a major recreational use adjacent to a PUD-RR; or

d. Managed by a non-profit organization or land trust deemed capable of management by the planning board; or

e. A combination of a, b, c and/or d above.

(5) All of the requirements of the City Code of Ordinances applicable to the zoning district not addressed in this division, shall apply.

(6) Before granting approval of the final development plans, the planning board must find that said plan addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved::

a. The proposed development has an appropriate relationship to the surrounding area;

b. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and

exhaust. Proper circulation in parking areas is designed for safety, convenience, separation and screening;

c. Adequate open space has been provided with consideration given to preservation of natural features including trees and drainage areas, topographic features, recreation and views.

d. Privacy in terms of needs of individuals, families and neighbors;

e. Pedestrian and bicycle traffic in terms of safety, separation, convenience and access points;

f. Building types in terms of appropriateness to density, site relationship and bulk;

g. Building design in terms of orientation, spacing, character, storage, signs and lighting;

h. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;

i. Preservation of historically or architecturally significant buildings or places, if any;

j. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued, except as allowed by section 60-360(a) in the case of a PUD-RR.

k. That the proposal meets the requirements of section 60-1335, special exception of this ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D; Ord. No. 08-08072017, 9-11-2017)

Secs. 60-362—60-380. Reserved.

Subdivision II. Types

Sec. 60-381. Definitions.

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

Planned includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-382. PUDs established.

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

(1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.

(2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.

(3) PUD-C Planned Unit Development: Commercial in GB and GBII.

(4) PUD-I Planned Unit Development: Industrial in ID.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 28, 3-15-2021)

Sec. 60-383. Zoning map indication.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or, PUD-RR or PUD-C or PUD-I. (Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-384. Permitting.

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the planning board as a phased development. (Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-385. Planned Unit Development—Residential (PUD-R).

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R Planned Unit Development: Residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the planning board.

(1) Uses permitted by right or permitted by special exception in the residential districts noted in this section and the underlying zoning district.

(2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial uses shall be subject to the following requirements:

a. Such uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.

b. Except as stated in division 11 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.

c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to them.

d. Sign.

1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A commercial use shall have not more than one sign for every street frontage. Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.

2. A residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.

(3) The total number of dwelling units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in the underlying zoning district or as approved by the planning board pursuant to the standards in the underlying zoning district.

(4) If common open space remaining is offered to the city and is acceptable to the city, such dedication may be considered as partial or total fulfillment of park and open space dedication.

(5) Upon review of a PUD-R proposal, the planning board may authorize up to a 20 percent increase in density over that otherwise allowed in the underlying district if the following criteria are met:

a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.

b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.

c. *Design.* A unified cohesive development, focal points for orientation and interaction, variety of scale.

d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.

e. *Convenient.* A convenient well-defined access.

f. *Compatibility.* Compatibility with the adopted comprehensive plan and/or plans approved by city boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.

(6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 29, 3-15-2021)

Sec. 60-386. Planned Unit Development—Recreation/Residential (PUD-RR).

The PUD-RR district is created to provide for the development of residential and commercial uses that are customary, complementary, and appropriate to major recreational uses on land located adjacent to them. Major recreation uses of land are designed for outdoor use of large land areas and have indoor facilities to accommodate groups of people. Major recreation uses may be open year round or may operate seasonally and their economic viability and continued operation are recognized as assets to Auburn. Flexibility for the siting of homes, condominiums, hotels or motels and accessory uses that are of a scale that is compatible with the surrounding area will help support the economics of a major recreation use.

Any major recreation use containing 100 acres or more area may be developed as a planned unit development: Recreation/Residential-PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the planning board.

(1) Uses permitted by right or permitted by special exception in the underlying zoning district.

(2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a planned unit development and as a subdivision under section 60-359 and section 60-1359 of this chapter.

(3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the planning board as a site plan and as a special exception under section 60-1276 and section 60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the planning board at the time of PUD and/or special exception review. In making their determination, the planning board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of section 60-385(2)d. as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.

(4) Accessory commercial uses provided that they are approved as a site plan and as a special exception under section 60-1276 and section 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.

(5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the planning board pursuant to section 60-361(4). For the purpose of determining the number of dwelling units permitted on parcels located within more than one zoning district, the higher density district standard may be applied to the entire parcel and adjacent major recreational use in the case of a PUD-RR Planned Unit Development.

(6) The requirements of a planned unit development, section 60-361(4) and as a subdivision, section 60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.

(7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.

(8) The requirements of this chapter applicable to the underlying district or districts, not addressed in this section, shall apply.

(Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 61, 3-15-2021)

Sec. 60-387. Planned Unit Development—Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the underlying zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-388. Planned Unit Development—Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the underlying zoning district are permitted in the PUD-I district.

(Ord. of 3-16-2009, § 3.51(C)(4); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Secs. 60-389—60-417. Reserved.

Subdivision III. Application Procedure

Sec. 60-418. Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶); Ord. of 9-21-2009, § 3.51E)

Sec. 60-419. Submission and review.

(a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.

(b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

(c) The site plan must contain the following information:

  (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;

  (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;

  (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.

(d) The written statement to accompany the development plan outline map must contain the following information:

  (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;

  (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;

  (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.

(e) The number of copies of the written statement must be consistent with the provisions of section 60-1300.

(f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. Final development plan.

(a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.

(b) The planning board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.

(c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:

(1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.

(2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.

(3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.

(d) From time to time the planning board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the planning board may initiate proceedings. The planning board, for good cause shown by the property owner, may extend the limits of the development schedule.

(e) The planning board may require adequate assurance in a form consistent and acceptable to the planning board, that the common open space shown in the final development plan shall be provided and developed.

(f) Final development plan contents:

(1) The final development plan shall contain the information provided on the preliminary development plan and any additional information requested by the planning board and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the planning board.

(2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419.

(3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.

(4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.

(g) Control of planned unit development following completion.

(1) The planning board shall review and take action on the competed final plan.

(2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.

(3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:

a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the planning board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.

b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principal, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.

c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.

d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.

e. All other changes in the final development plan must be made by the planning board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:

1. Continued successful functioning of the planned unit development;

2. By changes in conditions that have occurred since the final plan was approved; or

3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, §§ 62, 63, 3-15-2021)

Secs. 60-421—60-438. Reserved.

DIVISION 10. RESERVED[2]

Secs. 60-439—60-469. Reserved.

DIVISION 11. NEIGHBORHOOD BUSINESS DISTRICT

Sec. 60-470. Purpose.

This district is intended to provide for the daily convenience shopping and business needs of nearby residents and contains those retail, service and office uses which serve primarily a neighborhood population. It is intended that this district be located on lots in areas zoned for residential use.

(Ord. of 9-21-2009, § 3.61A)

Sec. 60-471. Use regulations.

(a) *Permitted uses.* The following uses are permitted, provided that the business use be limited to the ground floor and/or basement and that the gross building area devoted to business use, excluding storage, does not exceed 3,000 square feet:

(1) Residential dwellings at the same density as permitted in any abutting residential district.

(2) Beauty parlors, barbershops and self-service laundries.

(3) Public transportation passenger stations.

(4) Grocery stores.

(5) General commercial uses (retail, service and office uses), not necessarily associated with the surrounding neighborhood, may be authorized by the planning director upon written application adhering to the following procedure and criteria:

a. The external activity levels and impacts are limited as to be compatible with and not adversely affect the character of the surrounding neighborhood.

b. The proposed use will not create excessive noise, excessive traffic, nuisances (vibration, smoke, odor, appearance, etc.), fire hazard and other negative impacts of business activities being conducted in the residential neighborhood.

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

[2]Editor's note(s)—Ord. No. 20-05032021, adopted May 17, 2021, repealed div. 10, §§ 60-439—60-443, which pertained to the downtown enterprise zone and derived from an Ord. adopted September 21, 2009 and Ord. No. 05-04032017, adopted April 24, 2017.

(1) Automobile parking lots and garages, commercial and public, provided that they shall be at least ten feet from any lot in a residential district and that the setback area be landscaped.

(2) Public utility uses, such as electric substations and office, excluding repair facilities and the storage of material and trucks.

(3) Convenience stores, drug stores, variety stores and retail bakeries shops provided that goods baked on the premises shall be sold only on the premises.

(4) Automobile filling stations.

(5) Halls, private clubs and lodges.

(6) Shoe repair shops, pickup laundries and dry cleaners.

(7) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.61B; Ord. No. 05-04032017, § 2, 4-24-2017)

Sec. 60-472. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No minimum shall be applied to buildings in this district.

(2) *Density.* The maximum lot coverage by all building shall be 40 percent.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every principal building a rear yard having a minimum depth of 35 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any principal building and the side property line, plus the side yard setback shall be increased one foot for every four feet or part thereof increase in street frontage over 49 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every principal building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

d. *Open and unbuilt spaces.* Any yard space or area required to be kept open and unbuilt on may be used, if otherwise lawful, for off-street automobile parking, except that a green strip not less than ten feet wide shall be maintained open and green, not built on, paved, or parked on, all or parked on, all along each property line that abuts land residentially.

(4) *Height.* No permitted structure shall exceed two stories or 35 feet in height. A public building, church or temple, or accessory building or structure may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking and loading.* Provisions for off-street parking shall not be required in the NB district, except for dwellings and for any parking and loading area required as a condition of special exception approval.

(Ord. of 9-21-2009, § 3.61C)

Secs. 60-473—60-497. Reserved.

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

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

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

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

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Wholesale bakeries.

(12) Retail laundries and dry cleaners, but not plants.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Warehouses, wholesale offices, salesrooms and showrooms.

(18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.

(19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(20) Animal hospitals and pet shops, but no kennels.

(21) Business equipment repair and business services.

(22) Radio and television studios.

(23) Printing shops, but not publishing plants.

(24) Retail, service, office and commercial uses similar to the foregoing.

(25) Carwashes.

(26) Accessory uses, building and structures.

(27) Shelters for abused persons.

(28) Greenhouses and lawn maintenance services.

(29) Temporary outdoor places of amusement.

(30) Churches and temples.

(31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(32) Marijuana cultivation accessory to a licensed retail store on the same property.

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

(1) Automobile filling stations.

(2) Automobile repair and service stations.

(3) Automobile and marine sales lots and sales and service agencies.

(4) Automobile and marine paint and body repair shops.

(5) Hospitals, care homes, boardinghouses and lodginghouses.

(6) Research or philanthropic institutions.

(7) Outdoor theaters.

(8) Drive-in or carry-out restaurants.

(9) Commercial parks.

(10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.

(11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.

(12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

(13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(14) Convenience stores.

(15) Research, experimental and testing laboratories.

(16) Landscape services.

(17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.

(18) Automotive towing and storage.

(19) Major retail development provided that it meets the conditions noted in section 60-45(g).

(20) Outpatient addiction treatment clinics.

(21) Adaptive reuse of structures of community significance.

(22) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(23) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

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

Sec. 60-500. Dimensional regulations.

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

(1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

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

Secs. 60-501—60-523. Reserved.

DIVISION 13. MINOT AVENUE (GBII)

Sec. 60-524. Purpose.

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

Sec. 60-525. Use regulation.

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

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Retail bakeries.

(12) Retail laundries and dry cleaners.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Restaurants, dining rooms or lunchrooms.

(18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(19) Animal hospitals and pet shops, but not kennels.

(20) Business equipment repair and business services.

(21) Radio and television studios.

(22) Printing shops, but not publishing plants.

(23) Carwashes.

(24) Accessory uses, buildings and structures.

(25) Greenhouses.

(26) Seasonal outdoor places of amusement.

(27) Churches and temples.

(28) Shelters for abused persons.

(29) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(30) Marijuana cultivation accessory to a licensed retail store on the same property.

(31) Automobile and marine sales lots and sales and service agencies, provided that the vehicle display spaces are limited to not more than 10 spaces per 1,000 square feet of gross building area permanently constructed on the site with maximum of 100 display spaces.

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

(1) Commercial parks.

(2) Automobile repair and service stations.

(3) Hospitals, care homes, boardinghouses and lodginghouses.

(4) Research or philanthropic institutions.

(5) Outdoor theaters.

(6) Drive-in or carry-out restaurants.

(7) Sales, rental and service agencies for farm equipment, trucks and trailers, and construction equipment.

(8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.

(9) Convenience stores.

(10) Research, experimental and testing laboratories.

(11) Landscape services and lawn maintenance services.

(12) Halls, private clubs and lodges.

(13) Outpatient addiction treatment clinics.

(14) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under section 60-525(a) which will occupy an area of 5,000 square feet or more.

(15) Adaptive reuse of structures of community significance.

(16) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(17) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.63B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 33, 34, 3-15-2021; Ord. No. 21-05032021, 5-17-2021; Ord. No. 26-06212021, 7-19-2021)

Sec. 60-526. Dimensional regulations.

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

(1) *Minimum lot width and depth.* No building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021)

Secs. 60-527—60-545. Reserved.

DIVISION 14. FORM BASED CODE[3]

Subdivision I. In General

Sec. 60-546. Purpose.

The purpose of the form based code is to:

(a) Provide a building development pattern that is based upon the built environment's physical form and its relationship to the public realm and the private realm.

(b) Allow for a diversity of uses appropriate and compatible to the designated district area.

(c) Provide a more accelerated building design, review, approval and construction process.

[3]Editor's note(s)—Ord. No. 04-03072016, adopted May 16, 2016, repealed former Div. 14, §§ 60-546—60-549, in its entirety and enacted new provisions as herein set out. Former Div. 14 pertained to the central business district and derived from Ord. of 9-21-2009, §§ 3.69A—3.69D; Ord. of 2-16-2010.

(d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-547. Transects.

Form based code uses transects as a way to describe the areas under the regulating plan. A transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn's transects are organized using five form based code districts, (Transect 4.1, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548. Traditional Main Street Neighborhood (T-4.1)

Illustrative View of T-4.1 (Main Street)

Intent and Purpose:
Traditional Main Street Neighborhood (T-4.1)

The Main Street Neighborhood district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T-4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.

Characteristic Features

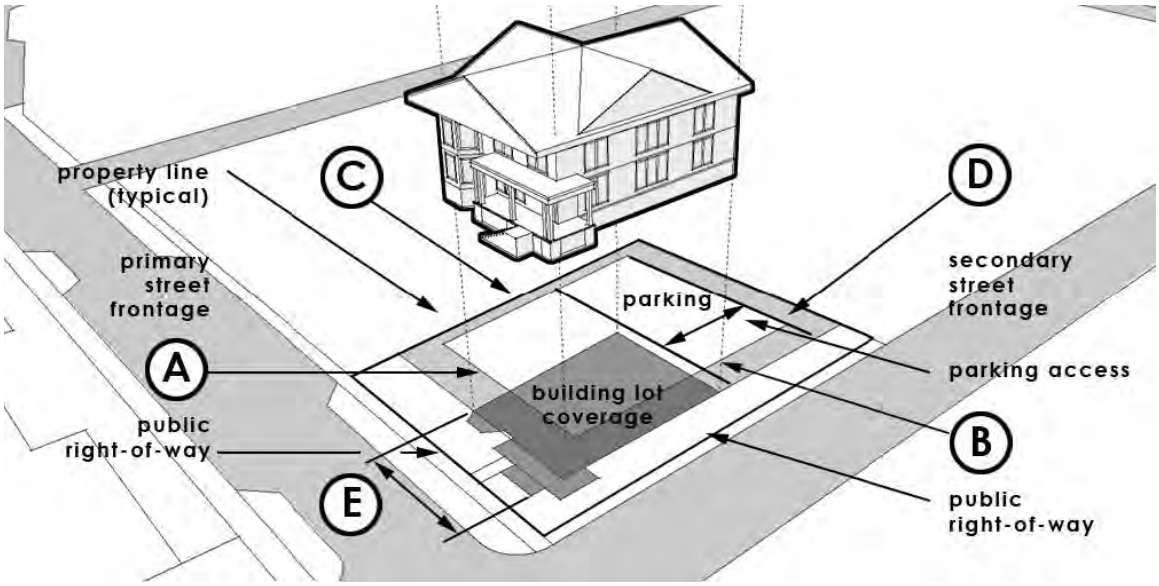
- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density

Examples of Main Street Neighborhood - T-4.1

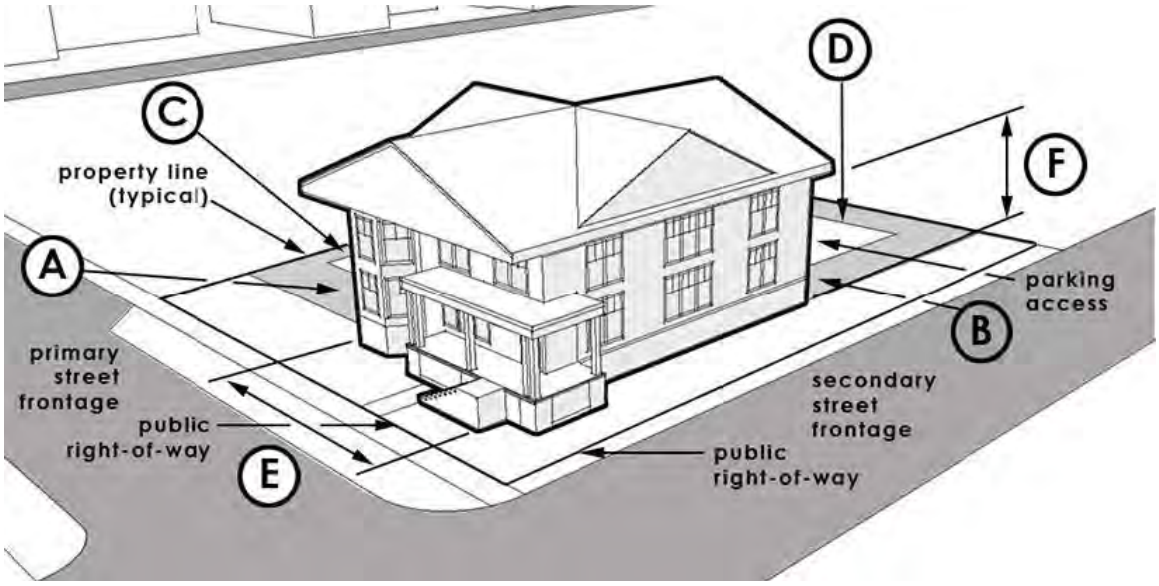
(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.1. Building placement and configuration T-4.1.

Elevated Building Placement



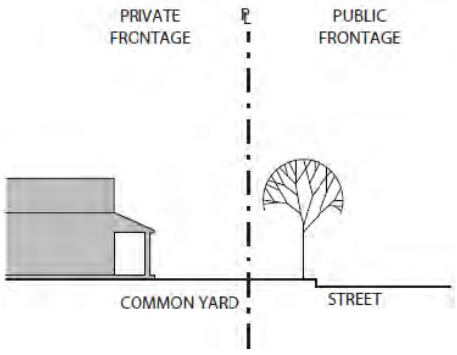
Building Placement on Lot


D
C
property line
(typical)
F
A
parking
access
B
primary
street
frontage
secondary
street
frontage
public
right-of-way
E
public
right-of-way

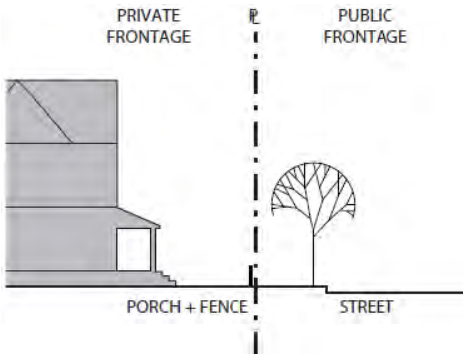
PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	15 ft. Min. 25 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	15 ft. Min., 25 ft. Max	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	60% Max.	
Useable Open Space:	20% Min.	
Frontage Build-Out:	40% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 64 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	2 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.2. Building frontages types T-4.1.



Common Yard



Porch Yard

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard

BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.3. External elements T-4.1.

Front Yard Fence:	A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. Chain link, vinyl, split rail, or barbed wire is not allowed.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum or maximum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 10 ft. maximum. Front Setback, Secondary Frontage 10 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or

	40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 65, 3-15-2021)

Sec. 60.549. Traditional Downtown Neighborhood T-4.2.

Illustrative View of T-4.2 (Spring Street)

Intent and Purpose:
Traditional Downtown Neighborhood (T-4.2)

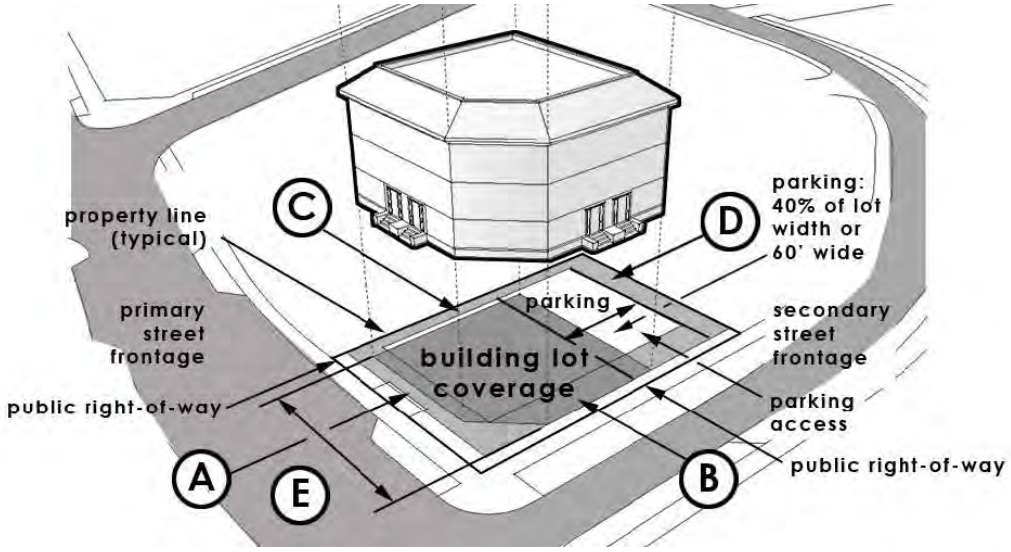
The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

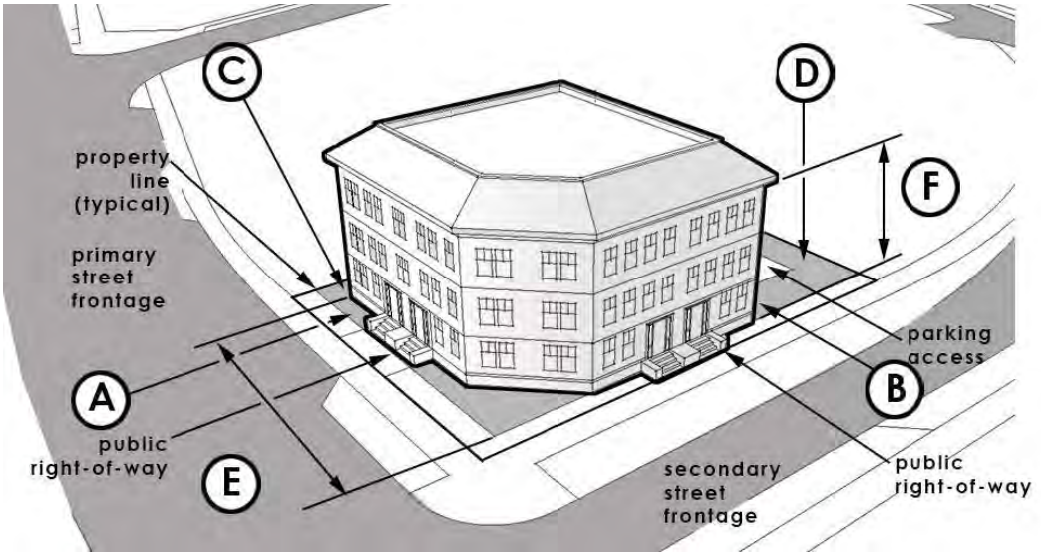
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-549.1. Building placement and configuration T-4.2.



Elevated Building Placement

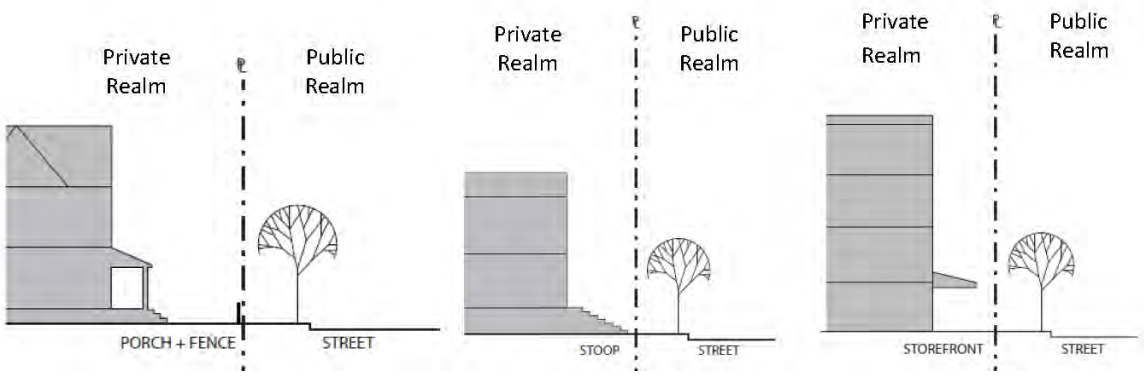


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	5 ft. Min/, 15 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60.549.2. Building frontages T-4.2.



Common or Porch YardStoop Yard FrontageStorefront Type

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard, Stoop and Storefront
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.

Ground Story Finished Floor Elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

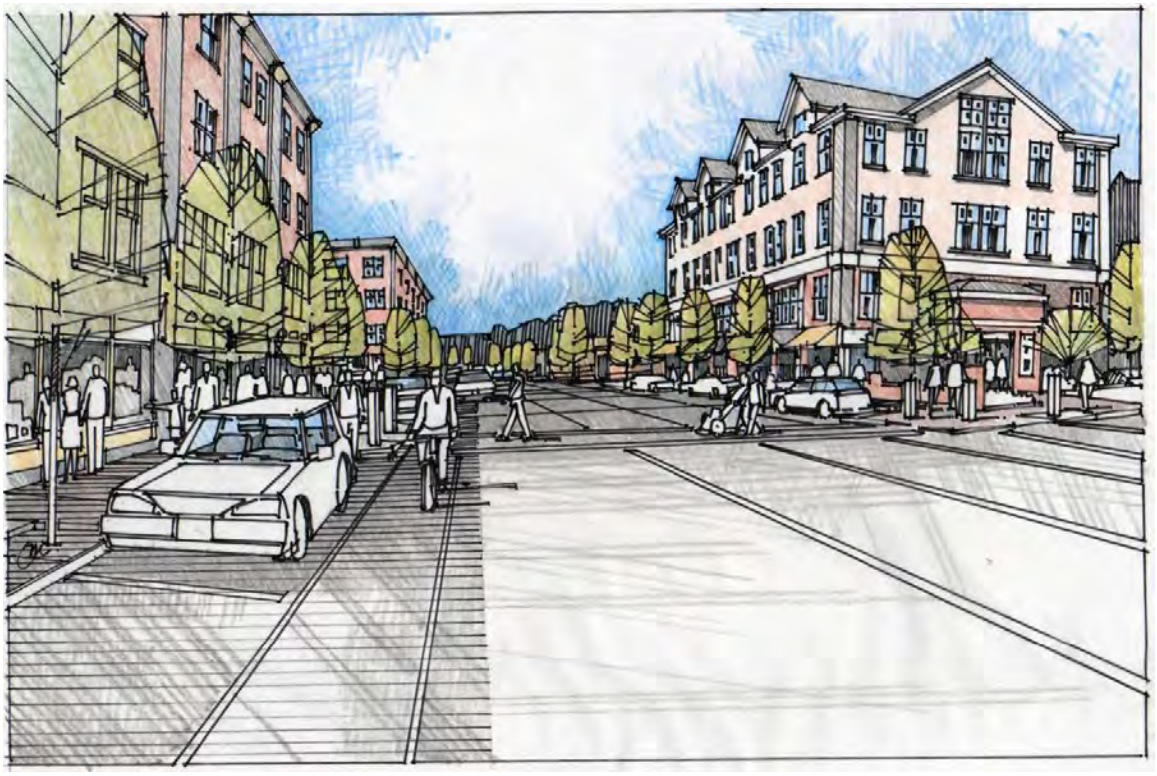
(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 66, 3-15-2021)

Sec. 60-549.3. External elements T-4.2.

Front Yard Fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft. maximum. Front Setback, Secondary Frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550. Downtown Traditional Center T-5.1.



Illustrative View of T-5.1 (Future Great Falls Plaza)

Intent and Purpose:
Downtown Traditional Center (T-5.1)

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.

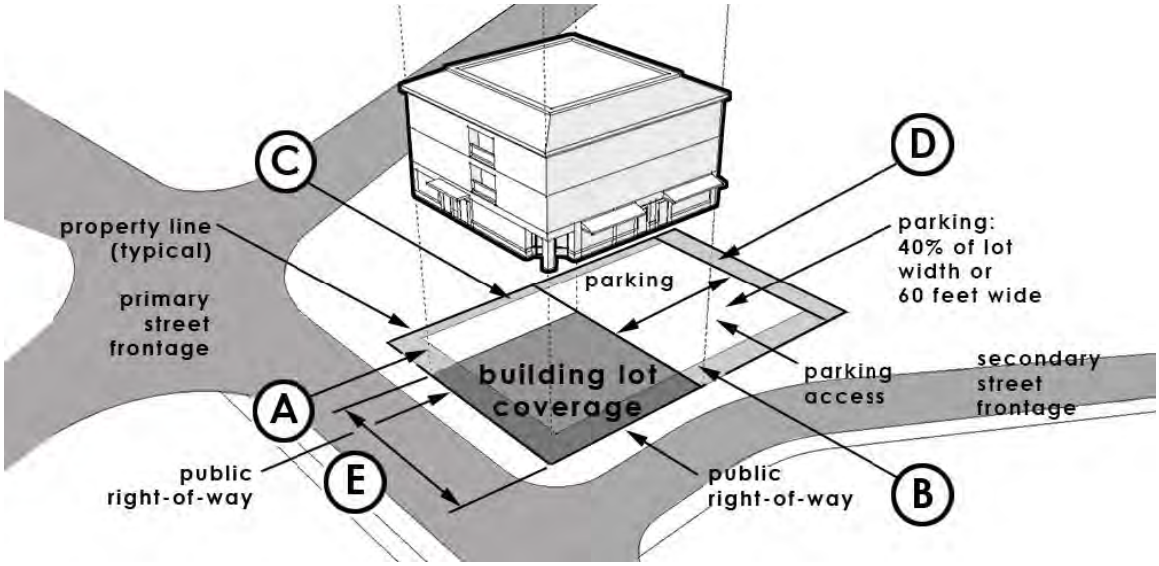
Key Features

- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density

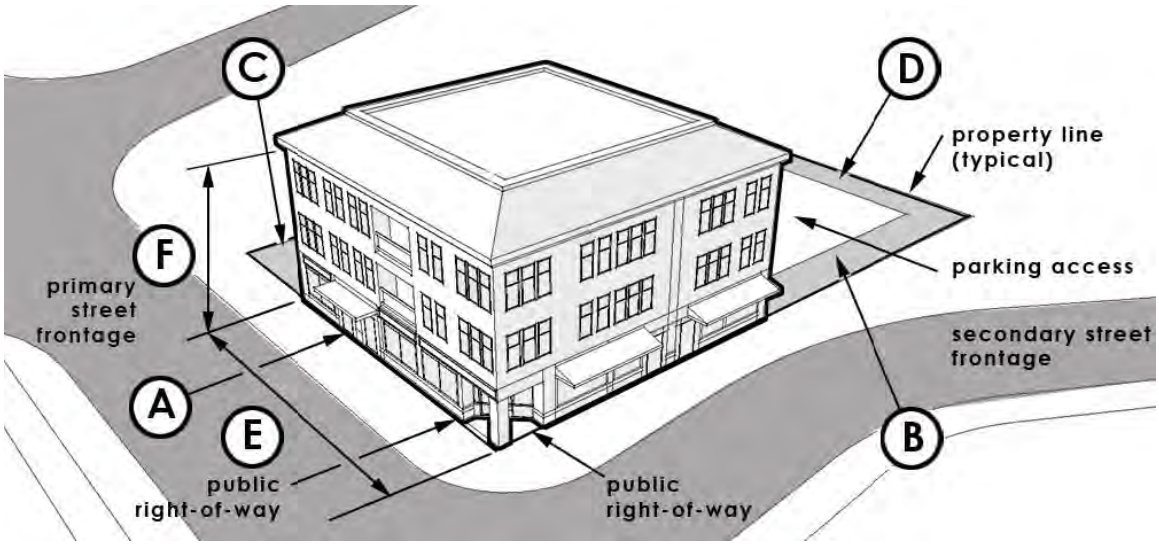
Examples of Downtown Traditional Center T-5.1

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.1. Building placement and configuration T-5.1.



Elevated Building Placement

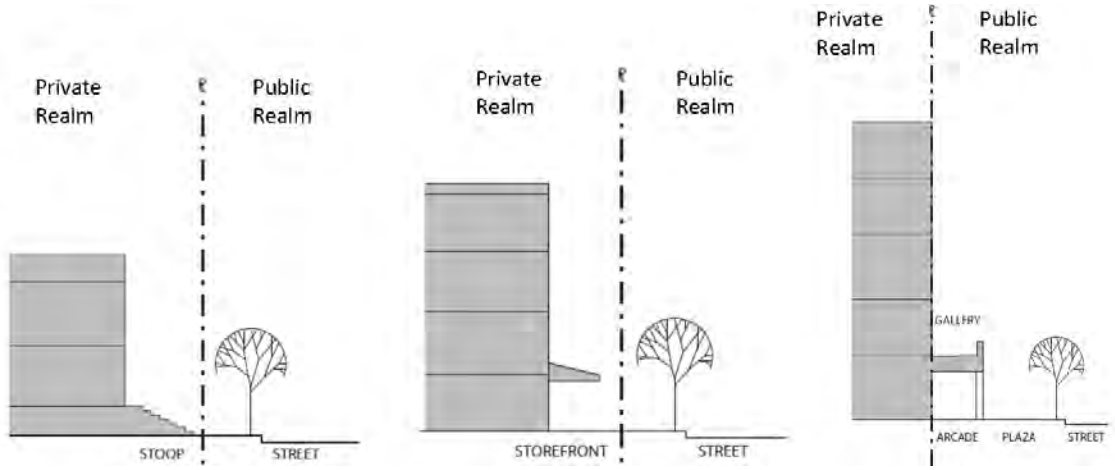


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min., 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min.	(C)
	*Subject to Building Permit Approval	
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	75% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	75% Min. along Front Setback, Primary	
Lot Width:	24 ft. Min, 160 ft.Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 150 ft. Max.	(E)
Building Height Minimum:	2 Story Min. (F)	
Building Height Maximum:	4 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.2. Building frontages T-5.1.



Stoop Frontage YardStorefront FrontageGallery Frontage

BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.

Ground Story Finished Floor Elevation:	The ground story must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.3. External elements T-5.1.

Front Yard Fence: (Residential)	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 67, 3-15-2021)

Sec. 60-551. Downtown City Center T-5.2.

Illustrative View of T-5.2 (Court Street)

Intent and Purpose:
Downtown City Center (T-5.2)

The Downtown City Center district is characterized by medium to large sized buildings in a compact urban environment. This setting will generate social and cultural activity and events, economic stimulation and human interaction. The streets will be important transportation corridors with large sidewalks. The large residential and commercial building widths, frontages and building heights form a solid, compact street wall pattern. The Downtown Center will generate regional economic development activity along with energized social and lifestyle options.

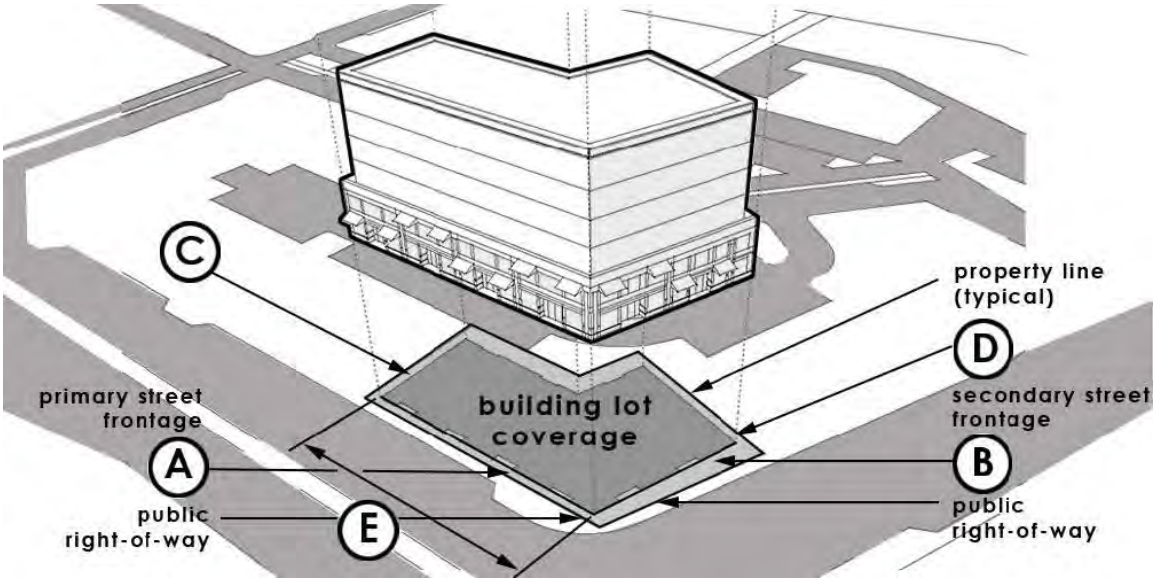
Key Features

- Vibrant street life
- Front facade detailing
- Articulated storefront entrance
- Awnings for storefronts
- Balconies
- Wide sidewalks
- Street Trees
- Compact Urban Environment

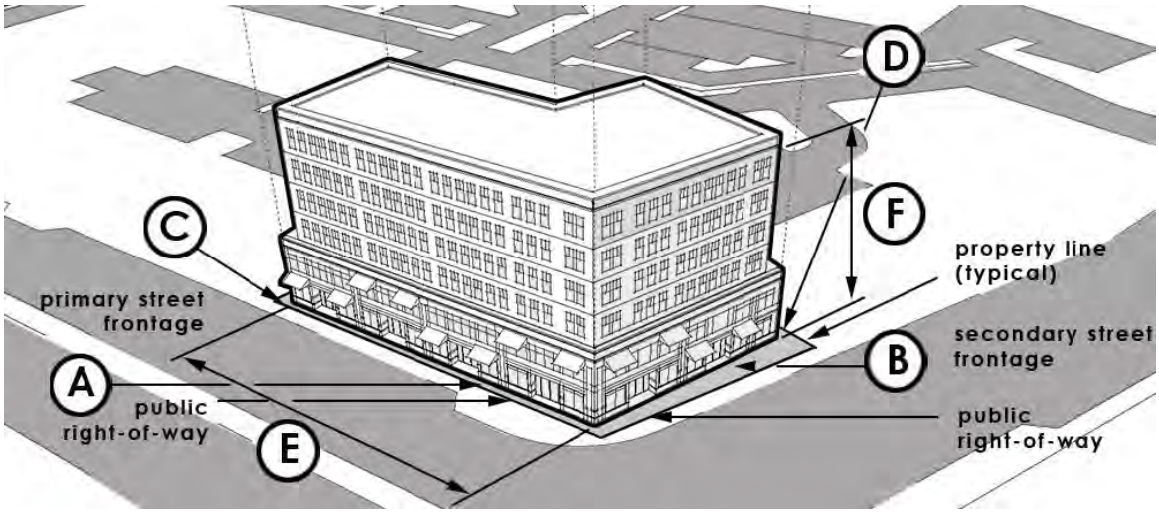
Examples of Downtown City Center - T-5.2

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-551.1. Building placement and configuration T-5.2.



Elevated Building Placement

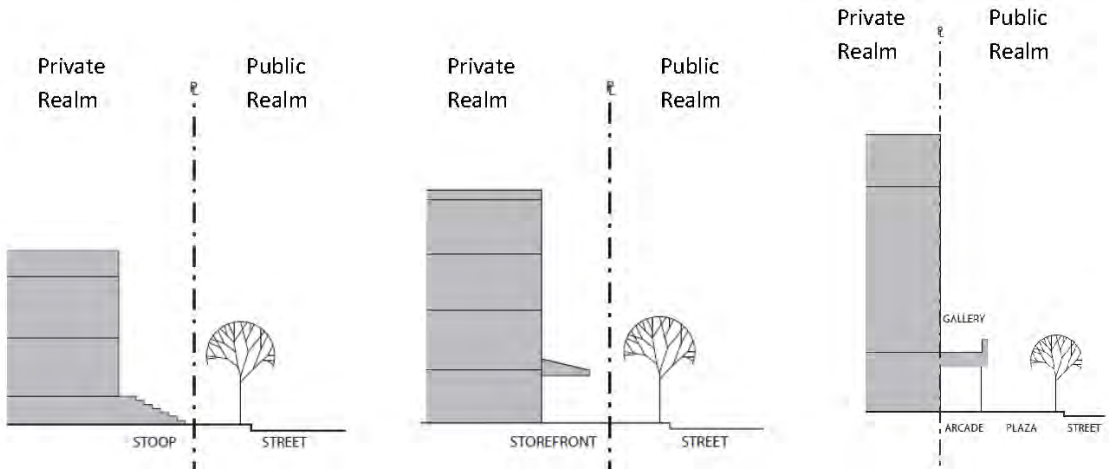


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min. 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min. *Subject to Building Permit Approval	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	80% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	85% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	12 ft. Min., 230 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	6 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-551.2. Building frontages T-5.2.



Stoop Frontage YardStorefront FrontageGallery Frontage

BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Residential: Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage. Storefront: Windows and doors shall comprise a

	minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	Residential: Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. Storefront: Ground story must be a minimum of at the average sidewalk elevation or a maximum of 2 feet above the front yard elevation.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 68, 3-15-2021)

Sec. 60-551.3. External elements T-5.2.

Front Yard Fence: (Residential)	A front yard fence a minimum of 3 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.

Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-552. Great Falls Metropolitan T-6.

Illustrative View of T-6 (Turner Street)

Intent and Purpose:
Great Falls Metropolitan (T-6)

The Great Falls Metropolitan zone is characterized by large buildings up to 8 stories tall that will define the City of Auburn's emerging downtown. A new central square, "Great Falls Square" will provide a downtown focal point and center for professional enterprise and commerce. The Great Falls Metropolitan urban form will generate strong regional socio-economic gravitational pull, attract corporate investment and become a regional destination for visitors, events, entertainment, shopping and social gatherings.

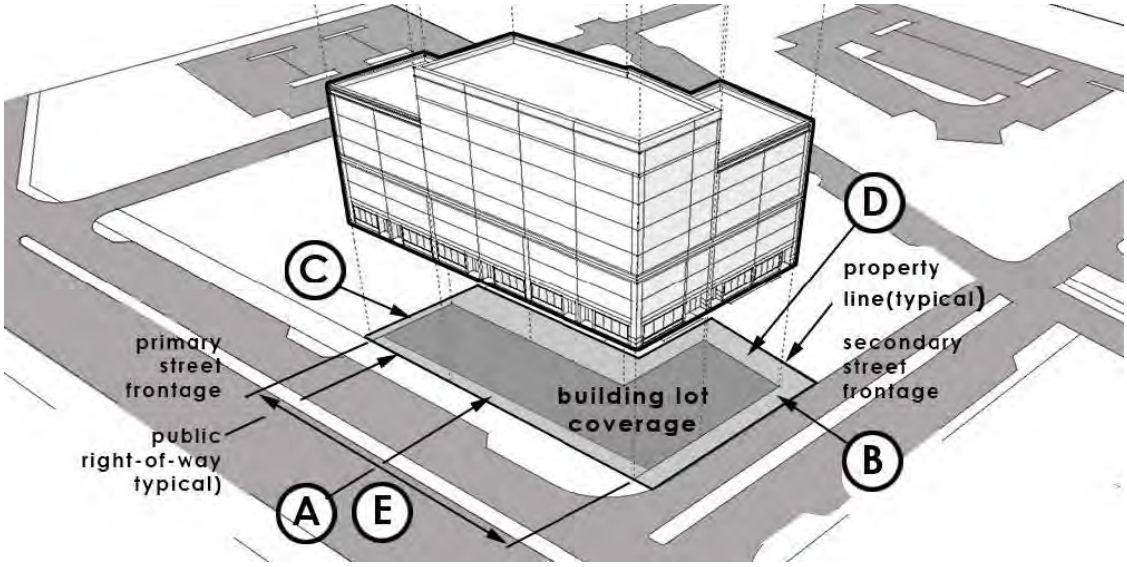
Key Features

- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density

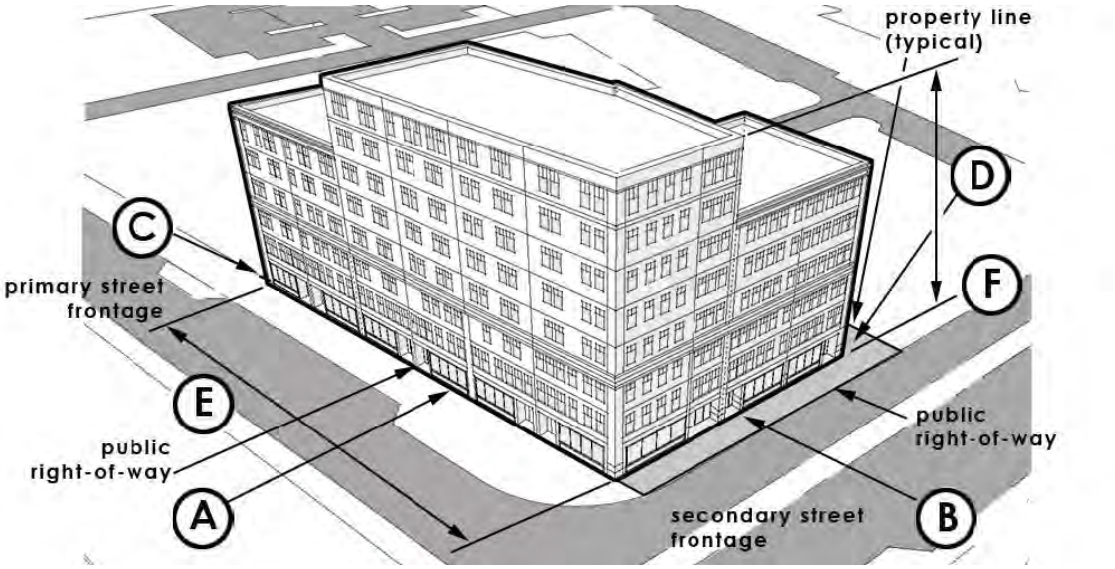
Examples of Great Falls Metropolitan T-6

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 69, 3-15-2021)

Sec. 60-552.1. Building placement and configuration T-6.



Elevated Building Placement

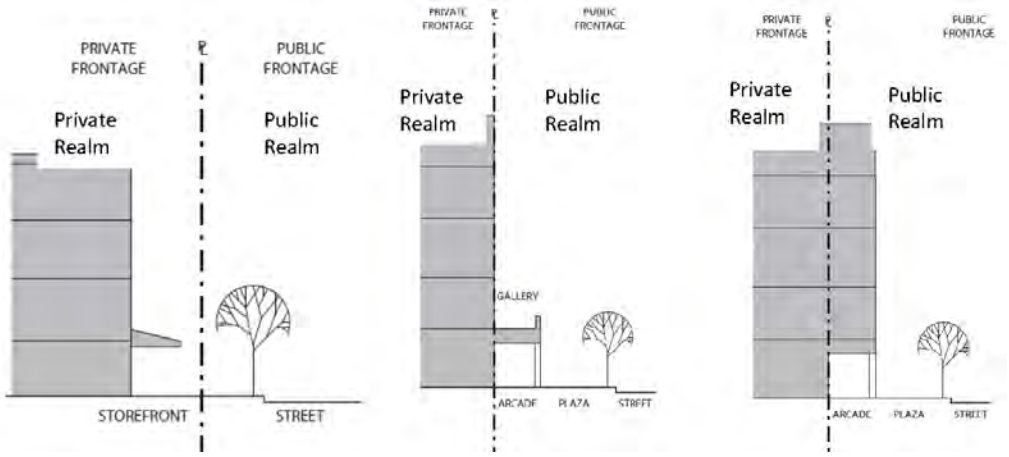


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min., 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min. *Subject to Building Permit Approval	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	90% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	90% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 240 ft. Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min, 230 ft. Max.	(E)
Building Height Minimum:	4 Story Min.	(F)
Building Height Maximum:	8 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-552.2. Building frontages T-6.



Storefront Frontage **Gallery Frontage** Arcade Frontage

BUILDING FRONTAGE TYPES:	Storefront, Gallery and Arcade
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.

Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation	Must be a minimum of the average sidewalk elevation and maximum of 2 feet.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited. Architectural jogs of up to 18 inches in depth are permitted.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 70, 3-15-2021)

Sec. 60-552.3. External elements T-6.

Street Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 18 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-553. Conservation/Open Space C/OS.

The conservation/open space district is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.

(Ord. No. 11-03012021, 3-15-2021; Ord. No. 30-06212021, 7-19-2021)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
Residential Type Use							
Single Family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/ Lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus
							1 sp/employee
Office/Service Type Use							
Professional Offices	S	S	S	P	P	P	None
Medical and Dental Clinics	S	S	S	P	P	P	None
Personal Services	S	S		P	P	P	None
Retail Type Use							
General Retail	S	S	S	P	P	P	None

Age Restricted Retail (3)	S	X	S	S	S	S	None
Specialty Shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, Private Clubs, Indoor Amusement	S	S	S	S	P	P	None
Artist Studios, Performing Art Center	S	S	S	P	P	P	None
Civic							
Church or Places of Worship	S	S	S	P	P	P	None
Government Offices	X	S	X	P	P	P	None
Art Galleries	S	P	P	P	P	P	None
Transportation Facilities	X	X	X	S	S	S	None
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	S	None
Public Safety Services (4)	S	S	S	S	S	S	None
Government Service (4)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities (4)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention Facility (4)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021)

Subdivision II. Form Based Code Administration

Sec. 60-555. Form based code administration.

Form based code relation to zoning ordinance:

(1) The form based code shall regulate areas designated as form based code districts.

(2) All buildings and land uses located within a form based code district shall comply with section 60-33 et seq. (General Provisions) unless specifically stated otherwise in sections 60-546 to 60-558 of the form based code.

(3) Site plan/special exception. Any project located within a form based code district that requires special exception or site plan review shall comply with section 60-45.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-556. Form based code plan types.

(a) *Administrative types.*

(1) *By right.* No permits are required for projects such as normal maintenance or for new structures under 200 square feet.

(2) *Minor administrative.* Projects that require permits and comply with all form based code or zoning regulations, may be approved and permitted by the appropriate city departmental staff and will not require multiple departmental or planning board approval. These projects can be applied for at any time.

(3) *Major administrative.* Projects that do not qualify as a Subdivision. Special exception or site plan review type plans and comply with all form based code or zoning regulations, but due to multiple issues, will require review by the multiple city departmental staff.

(b) *Discretionary type plans.* The following plan types shall require review and action by the planning board.

(1) Subdivisions of three or more lots over a five-year period or a project creating more than three dwelling units. (Subdivision Review).

(2) Any project listed as special exception or "S" in section 60-554, Use and Parking Matrix Chart. (Special Exception and Site Plan Review).

(3) Any project within the form based code district proposing a total of 12,000 square feet of new construction, all floors included. (Special Exception and Site Plan Review).

(4) Any amendment to an existing discretionary plan that increases existing square footage more than 25 percent.

(5) Any project located within the form based code district area that seeks a waiver from the adopted form based code regulating development standards shall submit a complete Special Exception and Site Plan Review application for Planning Board review and action.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-557. Applicability.

(a) Any minor, major administrative type plan and/or discretionary plan, as defined in section 60-556, located within a form based code district, shall be required to submit a development review application prior to any issuance of building permits or development activity.

(b) Any development activity on or within property located with the form based code district shall be reviewed for compliance with applicable form based code or zoning ordinance regulations.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-558. Form based code development application procedure.

(a) *Administrative type plan application process.*

(1) Applicant identifies the subject property's zoning/transect district and determines what plan type the project is.

(2) Applicant reviews the project's compliance for form based code development standards, sections 60-548 through 60-552; including all sections on purpose, building placement and configuration, building frontages, external elements, lot layout, the Parking and Use Matrix Chart and administration; along with any other applicable zoning ordinance Regulations.

(3) Pre-development consultation. All administrative type plan applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the property's form based code or zoning district and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the planning office may result in the delay of acceptance, review and approval of the application.

(4) Any minor or major administrative plan or discretionary plan applicant in a form based code district shall complete and submit a cover letter describing the project, a development review application, a form based code development checklist and the appropriate application fee and number of applications to the planning office.

(5) All form based code applications will be reviewed by the planning staff for completeness and applicant will be notified within five working days if the plan is deemed complete and whether the plan is administrative or discretionary. The applicant is responsible for working with the planning staff to correct any deficiencies needed to be accepted for further review.

(6) Type 2 and 3 administrative plans will be reviewed by the appropriate city departmental staff or other relevant agencies who will recommend approving, disapproving or postponing to allow for time to correct the application. The director of planning will notify the applicant of the decision in writing within 15 calendar days of its receipt of a completed application.

(7) The director of planning shall have the authority to require an administrative plan to be considered by the planning board and notify the applicant the justifications for doing so.

(b) *Discretionary project application process.*

(1) Applicant identifies subject property's zoning/transect and determines what plan type the project is.

(2) Applicant reviews the project's compliance for the applicable form based code development standards sections 60-548 through 60-552; including all sections on purpose, building placement and configuration, building frontages, external elements, lot layout, the Parking and Use Matrix Chart and administration; along with any other applicable zoning ordinance regulations.

(3) Pre-development consultation. All potential development and project applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the form based code or zoning regulations and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the planning office may result in the delay of acceptance, review and approval of the application.

(4) Discretionary plan applicants will submit; a development review application, a form based code development checklist the appropriate application fee and number of applications to the planning office for review and consideration by the planning board according to their normal submission deadline and meeting schedule.

(5) Applications not meeting all the requirements of the form based code may include waiver as per section 60-1312 or variance requests as part of their application.

(c) *Waiver requests.*

(1) Any waiver request of form based code standards and requirements must identify what is regulation is being requested for the waiver and include a narrative explaining how the waiver, if approved, will allow the project to meet the purpose of the form based code and the objective of section 60-1277, site plan review.

(d) *Planning board approval.*

(1) The planning board shall approve, approve with conditions, disapprove or postpone based on its review of the application meeting all existing requirements, conditions, criteria and provisions of special exception, site plan review. Subdivision law and any other relevant procedural requirement of Chapter 60, Zoning, as part of its consideration of a form based code application.

(2) The planning board shall provide findings for approval or disapproval based on the application's meeting the purpose of the form based code.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 41, 3-15-2021)

Secs. 60-559—60-576. Reserved.

DIVISION 15. INDUSTRIAL DISTRICT

Sec. 60-577. Purpose.

This district is intended to provide for those manufacturing, processing, transportation and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. The exclusion of residential and commercial uses is intended to promote the economic welfare of the city by reserving especially suited areas for industry.

(Ord. of 9-21-2009, § 3.71A)

Sec. 60-578. Use regulations.

(a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:

(1) Farming of field crops, row crops, orchards and truck gardens.

(2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.

(3) Farm dwellings on premises actively farmed.

(4) Financial institutions.

(5) Office buildings.

(6) Post offices.

(7) Telephone exchanges or telephone business offices.

(8) Public transportation passenger stations.

(9) Churches or temples.

(10) Municipal uses buildings.

(11) Airports.

(12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.

(13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.

(14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.

(15) Manufacture of ceramic products, brick and cinder blocks.

(16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.

(17) Building material sales yard and contractor's equipment storage yard and plant.

(18) Research, experimental or testing laboratories.

(19) Lumber yard, including planning, milling and other processing.

(20) Ice manufacturing and storage plant.

(21) Beverage bottling plants.

(22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use solar energy generating systems less than one acre in total land area as defined in section 60-1501 in accordance with applicable FAA regulations if within the airport overlay zone.

(23) Accessory uses and buildings, including but not limited to:

a. Retail sales of products manufactured on premises.

b. Dwellings used as living quarters for caretakers or watchmen and their families.

c. Storage boxes or space trailers as defined in subsection 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.

(24) Training schools.

(25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.

(26) Any new or existing building proposed as a complex of three of more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(27) Adult use and medical marijuana cultivation, manufacturing and testing facilities subject to the requirements of chapter 14, article XVIII of this Code.

(28) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of this Code, provided that the store is located on the same parcel of land as a marijuana cultivation facility or marijuana manufacturing facility.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:

(1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.

(2) Automobile filling stations.

(3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.

(4) Restaurants and diners, including drive-in and carry-out restaurants.

(5) Retail food stores.

(6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(7) Motels and hotels.

(8) Automobile scrap yards.

(9) Off-street parking accessory, to a permitted use whether or not located on the same lot.

(10) Outdoor advertising.

(11) Junkyard.

(12) Airplane manufacture or assembly.

(13) Alcohol, methanol, or ethanol manufacture.

(14) Automobile or automotive manufacture or assembly.

(15) Brewery or distillery.

(16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(17) Machinery and machine tool manufacture.

(18) Metal fabrication plant.

(19) Municipal incinerator or sewage treatment plant.

(20) Manufacture of cosmetics, toiletries and pharmaceuticals.

(21) Asphalt batching plant.

(22) Grain processing and storage.

(23) Concrete or cement products manufacture.

(24) Coal distillation and derivation of coal products.

(25) Iron or steel foundry.

(26) Meat products manufacture.

(27) Packinghouse, including meat and poultry canning and curing, processing or freezing.

(28) Plastic and pyroxylin manufacture.

(29) Uses similar to the uses of this section and not elsewhere named in the following subsections.

(30) Accessory uses building and structures, including but not limited to:

a. Retail sales of products manufactured on the premises and products accessory to the industry.

b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.

(31) Hospital.

(32) Automobile and marine sales lots and agencies.

(33) Child day care centers over 5,000 square feet (building area).

(34) Outpatient addiction treatment clinics.

(35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.

(36) Adaptive reuse of structures of community significance.

(37) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501.

(38) Public Safety Service or Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(39) Correctional Institution

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(40) Government Services

(41) Government Offices

(42) Municipal or Public Utilities and Communication Facilities

(Ord. of 9-21-2009, § 3.71B; Ord. 11-09062011-02, 9-6-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 08-05202019, 6-3-2019; Ord. No. 02-02242020, 3-2-2020; Ord. No. 11-03012021, § 35, 3-15-2021)

Sec. 60-579. Dimensional regulations.

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

(1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth.

(2) *Density.* Not more than 40 percent of the total lot area shall be covered by buildings.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or are required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge.

g. *Landscaping.* Landscaping shall be provided and maintained as follows:

1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.

2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building.

3. All lots which abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.

4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet.

5. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement. Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas.

(4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.71C; Ord. No. 11-03012021, § 36, 3-15-2021)

Secs. 60-580—60-606. Reserved.

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

To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Public Hearing on Council Ordinance 07-02222022: Moratorium on development proposals involving public safety facilities, detention facilities, correctional facilities, and/ or government offices
Date: February 14, 2023

I. **Public Hearing/ Text Amendment: City Council Ordinance 07-02222022:**
Public hearing on a text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which the use does not currently exist. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. Planning Board Action:
Provide the culmination document as a decision matrix that outlines the findings of the board in relation to the following items: 1. Determine whether Auburn's existing ordinance definition is sufficient as it relates to public safety facilities and similar facilities and uses all being categorized as *governmental offices; municipal, civic, or public service buildings and other utility facilities*. If significant differences exist between the range of uses that could be seen as public safety and detention facilities, then consider defining them as separate uses as other communities have done; 2. Determine appropriate definitions for different use categories; 3. Decide which zones would be appropriate for each use and whether there should be additional criteria to consider when citing new facilities and recommend revisions to the zoning ordinance as appropriate. **See attached: Matrix (reference document), Definitions and District Regulations text amendments.**

III. Background
Prior Meetings and Tentative Future Meetings:
February 7, 2022—City Council passes moratorium ordinance.
November 15, 2022—Planning Board holds first workshop to discuss the moratorium.
December 13, 2022—Planning Board holds second workshop to discuss the moratorium.

December 11, 2022, Packet Materials (not included):
1. December 13, 2022, and January 10, Staff Report (workshops)
2. Ordinance 07-02222022

November 15, 2022, Packet Materials (not included):
1. November 15, 2022, Staff Report **listed mistakenly as Ordinance 07-02072022.*
2. Ordinance 07-02222022

In February 2022 Council passed a public safety, detention and correctional facility moratorium ordinance prohibiting development of any new public safety facilities, detention centers, and

prisons for 180 days with a stated reason that the city's current ordinances governing land use, zoning, site plan review and special exception do not adequately or specifically address public safety facilities, detention facilities, or correctional facilities. The council later voted to extend the moratorium by an additional 180 days until February 2023 because the city had not yet reached a conclusion on the matter; and planning board agendas were booked with other projects. The ordinance directs the board to provide guidance based on public safety, health, environmental, and land use considerations, on which regulations might be appropriate for these facilities and uses.

IV. Suggested Motion:

I make a motion to forward a positive recommendation to the City Council to adopt the text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which the use does not currently exist. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations, pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023

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

Subject: CDBG & HOME Consortium Annual Action Plan Process Overview

---

Information:
The City of Auburn and the Auburn-Lewiston HOME Consortium received entitlement funds from the US Department of Housing & Urban Development. The purpose of this workshop is to review the annual allocation expectations, eligible uses of funds and planning process. This process includes assessing the views of residents of the community on housing and community development needs, including priority non-housing community development needs and affirmatively furthering fair housing. Staff will release the Draft Action Plan after reviewing and incorporating responses to any comments received. Once the City's annual allocation award has been received from HUD the action plan will be finalized and released in draft form for additional comment. After a minimum of thirty (30) days comment period it will again have a public hearing and be put before the Council for approval.

City Budgetary Impacts:
n/a

Staff Recommended Action:
n/a

Previous Meetings and History:
n/a

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
n/a

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023 **Orders:** 21-02132023 and 22-02132023

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on January 31, 2023 to review applications and make their nominations for various boards and committees of the City as follows:

Auburn Sewer District Board of Trustees – Robert Cavanagh, re-appointment, term expiration of 3/1/2027.
Auburn Water District Board of Trustees – Jason Pawlina, re-appointment, term expiration of 3/1/2027.

An application was submitted for the Regulatory Advisory Board, however a nomination was not made by the Committee.

City Budgetary Impacts: None

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

Previous Meetings and History: The Appointment Committee met on January 31, 2023 to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

January 31, 2022
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Auburn Sewer District Board of Trustees	2	*Cavanagh	Robert	127 Field Avenue
Auburn Water District Board of Trustees	4	*Pawlina	Jason	2 Bellflower Drive
Regulatory Advisory Board	2	Howard	Caroline	11 Highland Avenue, Apt. 5

* Indicates this applicant is seeking re-appointment

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

VACANCIES

Age Friendly Committee - 1 vacancies, term expiration June 1, 2023 **(vacancy due to an unfilled term)**

Auburn Sewer District Board of Trustees - 3 vacancies, one with a term expiration of 3/1/2026, and two with term expirations March 1, 2027 **(vacancies are due to one resignation and two term expirations)**

Auburn Water District Board of Trustees - 1 vacancy, term expiration March 1, 2027 **(vacancy is due to a term expiration)**

Audit Committee - 1 vacancy, term expiration TBD **(vacancy due to an unfilled term)**

City Council Student Representative - 2 appointments **(new appointments)**

Parks & Recreation Advisory Board - 3 vacancies, one with a term expiration October 1, 2023, two with term expirations of October 1, 2024 **(terms expired and seats have not been filled)**

Registration Appeals Board Chair - 1 vacancy with a 4-year term **(vacancy is due to a term expiration)**

Regulatory Advisory Board - 2 vacancies, term expirations are June 1, 2025 **(vacancies because the seats had not been filled)**

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: Jan. 20, 2023

Last name: Cavanagh First name: Robert Middle initial: G

Residence address: 127 Field Ave. Ward: 2

City: Auburn State: ME Zip code: 04210

Home phone: (207) 783-1032 Work phone: NA Cell phone: NA

Email address: railtrailbiker@gmail.com

Current occupation: retired

Previous occupation (if retired or no longer working): Teacher; Maine Dept. of Human Services

Educational and/or experience (or attach your resume): 1967 ELHS graduate
University of Maine at Farmington: 1967-1971: BS Degree

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Age Friendly Committee
___ Agriculture Committee
___ Airport Board
___ Auburn Housing Authority
___ Audit Committee
___ Cable TV Advisory Board
___ CDBG Loan Committee
___ Citizen's Advisory Committee
___ Community Forest Board
___ Conservation Commission
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Parks & Recreation Advisory Board
___ Planning Board
___ Regulatory Advisory Board
X Sewer District
___ Water District
___ Other _____

Is this application for a ___ new appointment or X reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). As a life-long resident of the City of Auburn and sewer customer, I have always been interested in the operations of the Auburn Sewer District and Auburn Water

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). I plan to continue being fully-involved in decision-making regarding operations, functions, major purchases, and policies of the Sewer District. I am a fiscal watchdog in perusing

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Auburn Water District, Auburn Sewer District

Dates served (if known)? March 1, 2006 to March 31, 2023 = Sewer District
April 27, 2009 to March 31, 2025 = Water District

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

Registrations Appeals Board

Dates served (if known)? March 25, 2015, to March 31, 2018

How did you learn of this vacancy? Susan Clements-Dallaire, City Clerk

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Robert Cavanaugh Date: Jan. 20, 2023

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 1/19/2022
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

'Why I want to serve on this committee.' (continued)

District. I wish to continue as a Sewer District Trustee, making decisions regarding operations and functions and funding for replacement or relining of aging underground sewer pipe infrastructure, along with the other Trustees. I have a keen interest in the monthly ASD/AWD expenditures.

'What I hope to accomplish.' (continued)

monthly expenditures. I will continue to work to approve annual budgets with modest rate increases every few years, while looking-out for the best interests of Sewer District customers, treating all District employees fairly, approving infrastructure upgrades, and continuously keeping sewer rates as low as possible.

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Friday, January 6, 2023 9:14 AM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

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

First Name: Jason

Middle Initial:

Last Name: Pawlina

Residence Address: 2 Bellflower Dr

Ward: Ward 4

City: Auburn

Home Phone: 2078080514

Cell Phone: 2078080514

E-mail Address: jimaru5@gmail.com

Current Occupation: Senior Media & Analytics Manager

Previous Occupation (if retired or no longer working):

Education and/or experience: BA Economics University of Southern Maine

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to continue to serve as a Trustee to the Auburn Water District to help maintain the refreshed focus of being more in sync with the City of Auburn as a whole, assessing all topics in front of the board with a balanced analytical approach, with the main goal of delivering clean and affordable drinking water to Auburn residents and customers of the District.

What do you hope to accomplish?: I aim to help control expenses while positioning the District for potential future growth, maintaining a forward looking, proactive mindset.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Auburn School Committee Ward 4

Dates served (if known): 2008-2010

How did you learn of this vacancy?: I am a current Trustee

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

Date of Electronic Signature: 1/6/23

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Saturday, January 21, 2023 8:17 PM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

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

First Name: Caroline

Middle Initial:

Last Name: Howard

Residence Address: 11 Highland Avenue Apt 5

Ward: Ward 2

City: Auburn

Home Phone: 207-687-5426

Cell Phone: 207-687-5426

E-mail Address: carolineahoward1998@gmail.com

Current Occupation: Policy Reporter

Previous Occupation (if retired or no longer working):

Education and/or experience: Bachelors in Political Science

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to serve on this board because I have a passion for helping other people in need. I would like to be a part of a board that assists people, and become apart of a community that gives a hand when people are in their worst spots. I also want to be able to make sure that the people who are claiming this actually are in need, and are not trying to scam the system, and make everyone who just needs help look bad.

What do you hope to accomplish?: I hope to be able to be in a position that will help local government run efficiently and effectively. I hope to be able to get people who are in really bad spots the help they need, because all they need is a helping hand, and they can take things from there. I know that from personal experience, when you get that one chance you need, you can take it and thrive. That is what I hope to accomplish for the people of Auburn.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: I am not serving on another board or committee.

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: I have not.

Dates served (if known):

How did you learn of this vacancy?: City Website

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

Date of Electronic Signature: 01/21/2023

Appointment Committee Meeting Minutes
Tuesday, January 31, 2023
4:00 P.M.
Community Room – Auburn Hall

Present: Councilors Stephen Milks, Joseph Morin, and City Clerk, Sue Clements-Dallaire.

The meeting was called to order at 4:06 PM.

Motion was made by Councilor Morin and seconded by Councilor Milks to appoint Councilor Milks to Chair the meeting. Passage 2-0.

1. Acceptance of Minutes – December 20, 2022 Meeting

   Motion was made by Councilor Milks and seconded by Councilor Morin to approve the December 20, 2022 minutes. Passage 2-0.

2. Open Session – No one from the public was present.

3. Review of Applications and Nominations

   Motion was made by Councilor Morin and seconded by Councilor Milks to enter into Executive Session, pursuant to 1 M.R.S.A. §405(6)(A).

   Passage 2-0, time 4:07 pm.

   Councilor Milks declared the Committee out of Executive Session at 4:12 pm.

   Motion was made by Councilor Milks and seconded by Councilor Morin to nominate Robert Cavanagh to the Auburn Sewer District Board of Trustees with a term expiration of 3/1/2027. Passage 2-0.

   Motion was made by Councilor Milks and seconded by Councilor Morin to nominate Jason Pawlina to serve on the Auburn Water District Board of Trustees with a term expiration of 3/1/2027. Passage 2-0.

   No other nominations were made.

4. Adjournment

   Motion was made by Councilor Morin and seconded by Councilor Milks to adjourn. Unanimously approved. The meeting adjourned at 4:15 pm.

Respectfully submitted,

Susan Clements-Dallaire

DRAFT

ORDER 21-02132023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Robert Cavanagh to the Auburn Sewer District Board of Trustees, with a 03/01/2027 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 22-02132023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Jason Pawlina to the Auburn Water District Board of Trustees, with a 03/01/2027 term expiration as nominated by the Appointment Committee.

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

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

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

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

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 16-01172023*
Re-appointing Karen Scammon as the City Assessor with a term expiration of 01/31/2028.

2. Order 17-01172023*
Confirming Chief Moen's appointment of Nathaniel Aronson as Constable with Firearm for the Auburn Police Department.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the two consent items.

Passage 6-0.

II. Minutes – January 3, 2023 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Staples to approve the minutes of the January 3, 2023 Regular Council Meeting.

Passage 6-0.

III. Communications, Presentations and Recognitions

- Library Presentation and Update - Mamie Anthoine Ney, Library Director
- Communication - Business License Denial Notification (1800 Club, LLC.)
- Council Communications (about and to the community)

Mayor Levesque reported that Burnt Ends BBQ located Lewiston and owned by Jill and Kevin Cunningham (Jill is an Auburn city staff member) will be celebrating their 1-year business anniversary, on January 23rd adding that they have great barbeque.

Councilor Morin extended his appreciation for everyone involved at the Auburn Public Library.

Councilor Walker reported that the United New Auburn Association will be meeting on January 31st at Rolly's Diner. Chief Moen of the Auburn Police Department will be the

guest speaker. On Thursday, January 26th the Neighborhood Watch meeting will be held at 6:00 pm at the Sixth Street Congregational Church.

Manager Crowell, provided an update on the Maine's Hire-A-Vet Campaign which staff participated in. He also stated that he has been hearing from Councilors regarding conflict with the February meeting dates. He is proposing that Councilors suspend the rules to add item to the agenda to change meeting dates.

IV. Open Session

Bruce Rioux, 85 Mary Carroll Street would like Councilors to add to the February agenda a workshop and eventually a vote to use tax-payer funds to reimburse rate payers of the Auburn Water District for the cost of the litigation for the Lake Auburn lawsuit that the City of Lewiston has filed.

Pam Rousseau, 745 West Auburn Road would like to have a way to provide public comment when people cannot attend a meeting.

Larry Pelletier, 129 Second Street commented on the homeless crisis in Auburn and Lewiston.

V. Unfinished Business

1. Order 160-12052022

Allocating up to $180,000 from the American Rescue Plan Act (ARPA) funds for the purchase of a portable Stage.

Motion was made by Councilor Staples. No one seconded the motion.

Motion fails for lack of a second.

2. Ordinance 01-01032023

Amending the Code of Ordinances, Sec. 16-49, Security Systems and Appendix A, Fees and Charges under Emergency Management and Service, removing the renewal requirement and associated fee. Public hearing and second reading.

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

Public hearing – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

3. Ordinance 24-12052022

Zoning Map Amendment - Amending a portion of 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), and Low-Density Country Residential (LDCR), zoning districts to the Suburban Residential (SR) as recommended by the Planning Board. First Reading.

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

Public comment – No one from the public spoke.

Passage 4-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

VI. New Business

1. Order 18-01172023

Directing the Planning Board to provide a recommendation on a zoning text and map amendment prohibiting any future residential structures and animal farms within the portion of the Lake Auburn watershed zoned "Agriculture and Resource Protection".

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

Public comment – No one from the public spoke.

Passage 5-1 (Councilor Gerry opposed).

2. Order 19-01172023

Directing the Planning Board to provide a recommendation for a zoning amendment that will prohibit any future subsurface wastewater disposal within 300' of Lake Auburn.

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

Public comment – No one from the public spoke.

Passage 5-1 (Councilor Gerry opposed).

Motion was made by Councilor Staples and seconded by Councilor Whiting to suspend the rules. Passage 6-0.

Motion was made by Councilor Whiting and seconded by Councilor Walker to cancel the February 6, 2023 and February 21, 2023 Council meetings and to schedule a meeting for February 13, 2023.

Passage 6-0. This becomes Order 20-01172023.

VII. Open Session – No one from the public spoke

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported on some recent news about the high school construction cost overruns and significant PBC mitigation. A meeting has been scheduled with the Governor, the General Contractor and sub-contractors regarding this issue. The School Committee is now in budget discussions and prepping their FY 24 budget.

Councilor Staples, reported on last week's LATC (Lewiston Auburn Transit Committee) meeting. They have been discussing the upcoming budget.

Councilor Walker reported that the 911 Committee will be meeting on Thursday at 8:00 am at Lewiston City Hall, and the Age Friendly Community Committee will be holding a spaghetti Valentine Day dinner on February 14th.

Councilor Whiting, commented on Larry Pelletier's comments on homelessness and asked the City Manager if there was any word on the State of Maine housing.

City Manager Crowell provided an update on overnight warming shelters. A draft application will be submitted to the State which would provide accommodations for up to 68 people and will be located at 121 Mill Street in Auburn. If approved, it will be coming back to the Council for a vote. The Director of the 911 center provided updated information which will be made available. He also wanted to recognize staff. Brian Wood, Assistant City Manager received an award for the Finest Under 40 with the Chamber of Commerce, Sue Clements-Dallaire, City Clerk received her Master Municipal Clerk designation, and our Finance Director, Jill Eastman and her team received a certificate of achievement for excellence in finance reporting which is 29 years running for our Finance Department.

Jill Eastman, Finance Director – December Finance Report

Motion was made by Councilor Walker and seconded by Councilor Morin to accept and place on file the December Finance Report. Passage 6-0.

IX. Executive Sessions – None.

X. Adjournment

Motion was made by Councilor Morin seconded by Councilor Walker to adjourn. Unanimously approved and the meeting adjourned at 7:44pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

From: Frederick Kunas <fmkunas@hotmail.com>
Sent: Wednesday, February 8, 2023 6:25 PM
To: Holli Olivier <holivier@auburnmaine.gov>
Cc: Mark Porter <maporter65@yahoo.com>; jessicakelsea@yahoo.com
Subject: Re: Auburn Suburban Baseball & Softball

Holli -

Thanks again for all your help! Would it be possible for the following note to be included in an upcoming City Council Meeting Agenda?

Greetings!

By way of introduction, my name is Fritz Kunas. I am the current President for Auburn Suburban Baseball and Softball.

The purpose of my message is to acknowledge and thank you for the generous support provided with your recent grant.

While I am incredibly embarrassed that we missed the award in person, we are grateful for your support financially and in our league/community.

We are poised to continue offering a robust youth sports program for our community and appreciate the ongoing partnership with the City of Auburn.

Some of these funds will be used to help provide free access to our Bambino Buddy Ball League whereby players of any age with physical or mental disabilities can participate in baseball/softball. We were proud to adopt this program two years ago with two teams and have quickly doubled in size to four teams.

We also promote, and adhere, to a strict policy whereby no child will be turned away due to financial hardship. Fundraising efforts within our league, support from sponsors and grants like this will help ensure we can continue to provide this opportunity.

On behalf of the ASBS Board of Directors, thank you again for the wonderful support and collaboration!

Fritz Kunas
ASBS President

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023 **Ordinance:** 24-12052022

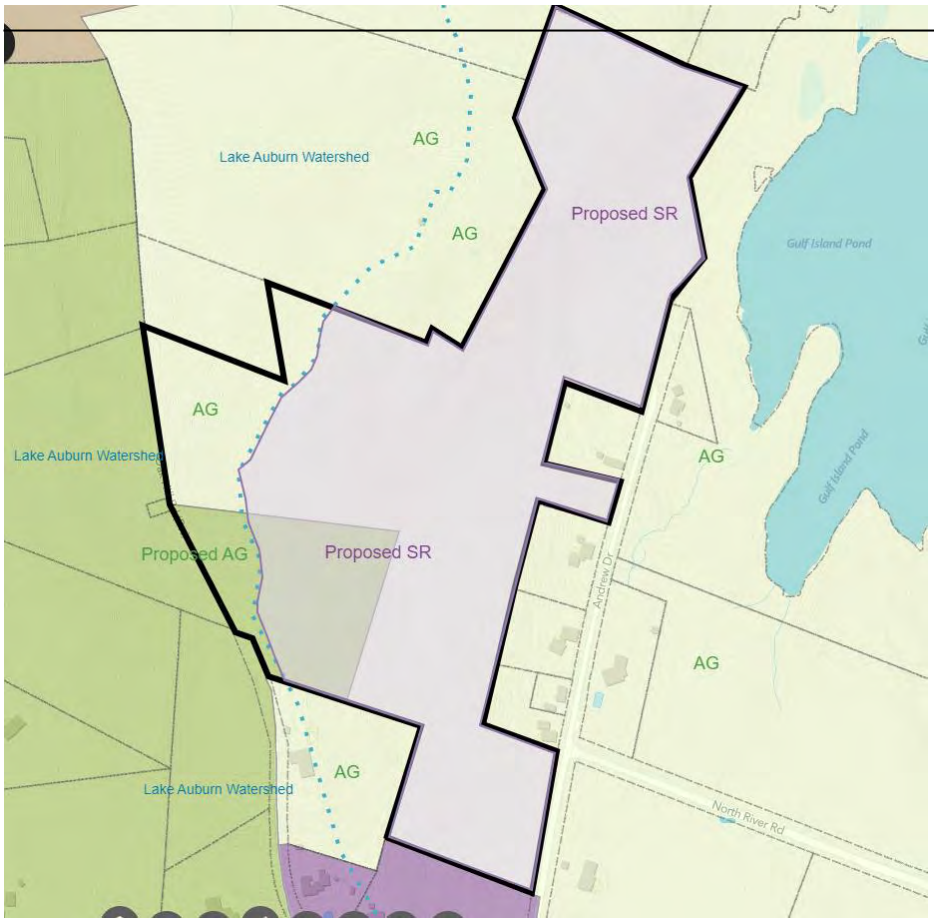
Author: Eric Cousens, Director of Planning and Permitting

Subject: Public Hearing/ Second and Final Reading on a Zone Change Petition for 150 Andrew Drive (Parcel I.D. 347-003)

Information: On January 10, 2023, The Planning Board held a public hearing and vote on a petition submitted to amend the areas outside the Lake Auburn watershed: 33 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92+/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map.

The Board made a favorable recommendation to "recommend amending 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in *figure 1."*

Figure 1



City Budgetary Impacts:

Staff Recommended Action:
Staff suggests Council hold the first reading and vote to pass proposed map amendment in accordance with the Planning Board's recommendation to amend 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in *figure 1*.

Previous Meetings and History:
January 10, 2023, Planning Board Meeting
January 17, 2023, City Councill First Reading

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: January 10, 2023, Planning Board Motion; Staff Report; Petition, Receipt, and Map; Sketch Map and Comp Plan overlay; Division 5-Suburban Residence District; Rural Residential Road Strips excerpt from the 2021 Comprehensive Plan; Slope Overlay Map; Resident submitted topographical map; Resident submitted culvert map; Informal resident petition.

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

To: Auburn City Council

From: Auburn Planning Board

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

Date: January 10, 2023

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

Proposal: Petition/ Zone Change Request: Petition to amend the areas outside the Lake Auburn watershed: 33 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92+/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2— Amendment to the Zoning Ordinance or Zoning Map.

Motion: Stacey LeBlanc; Second: Paul Jacques

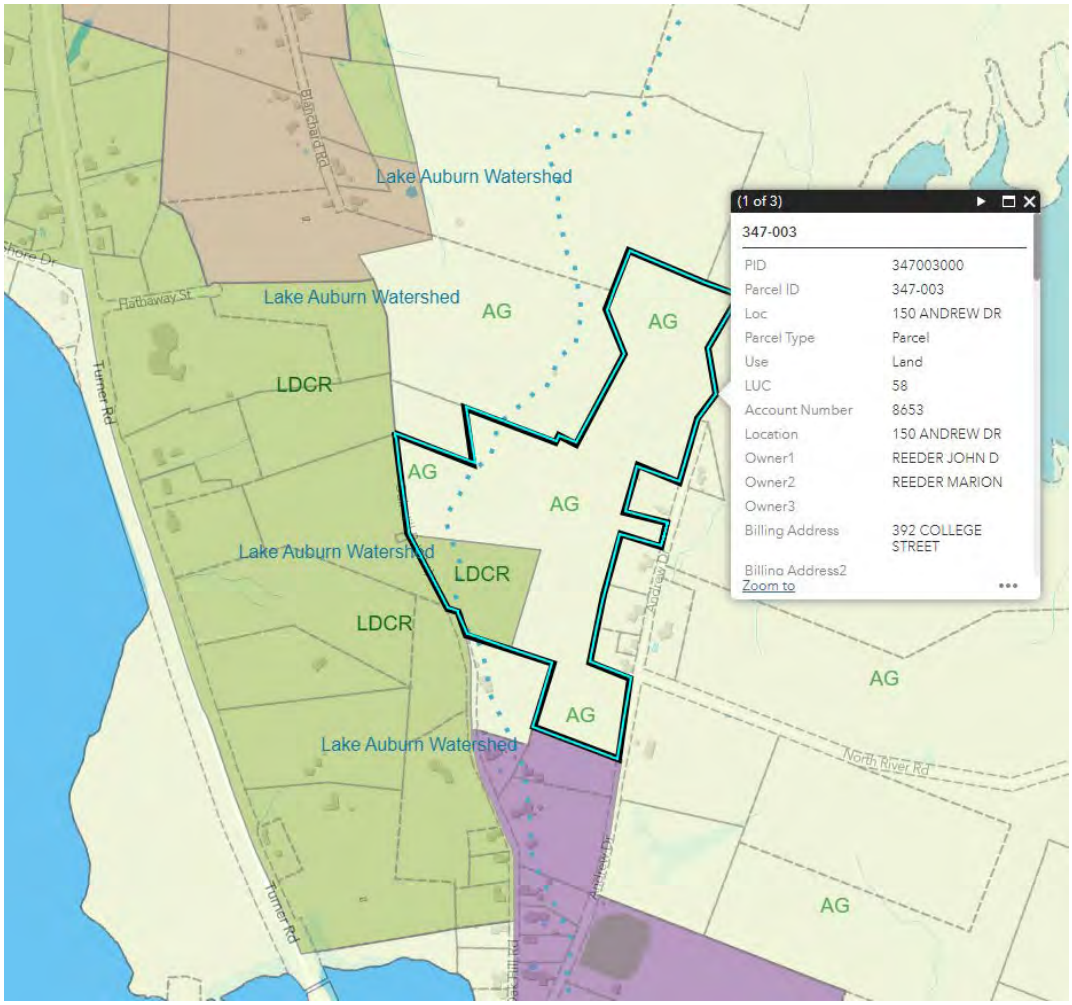
"I make a motion to recommend amending 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in *figure 1*."

Motion passes 5-2-0

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

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Zone Change Petition for 150 Andrew Drive (Parcel I.D. 347-003)
Date: January 10, 2023

I. Proposal: Petition/ Zone Change Request:
Petition to amend the areas outside the Lake Auburn watershed: 33 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92+/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map.



Materials:

1. January 10, 2023, Staff Report
2. Petition, Receipt and Map
3. Sketch Map with Comp Plan Overlay
4. Division 5 Suburban Residence District
5. Comprehensive Plan Excerpt on Residential Strips

II. Background:

Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A)
One of the primary tests of a zone change is its conformance with the Comprehensive Plan.

The 2021 Comprehensive Plan provides two standards and mechanisms to consider if rezoning the parcel is logical. The first Comprehensive Plan supported option to approach this proposal is to rezone the area of the parcel proposed in the petition as an expansion of an existing historic core as referenced in the Comprehensive Plan:

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

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

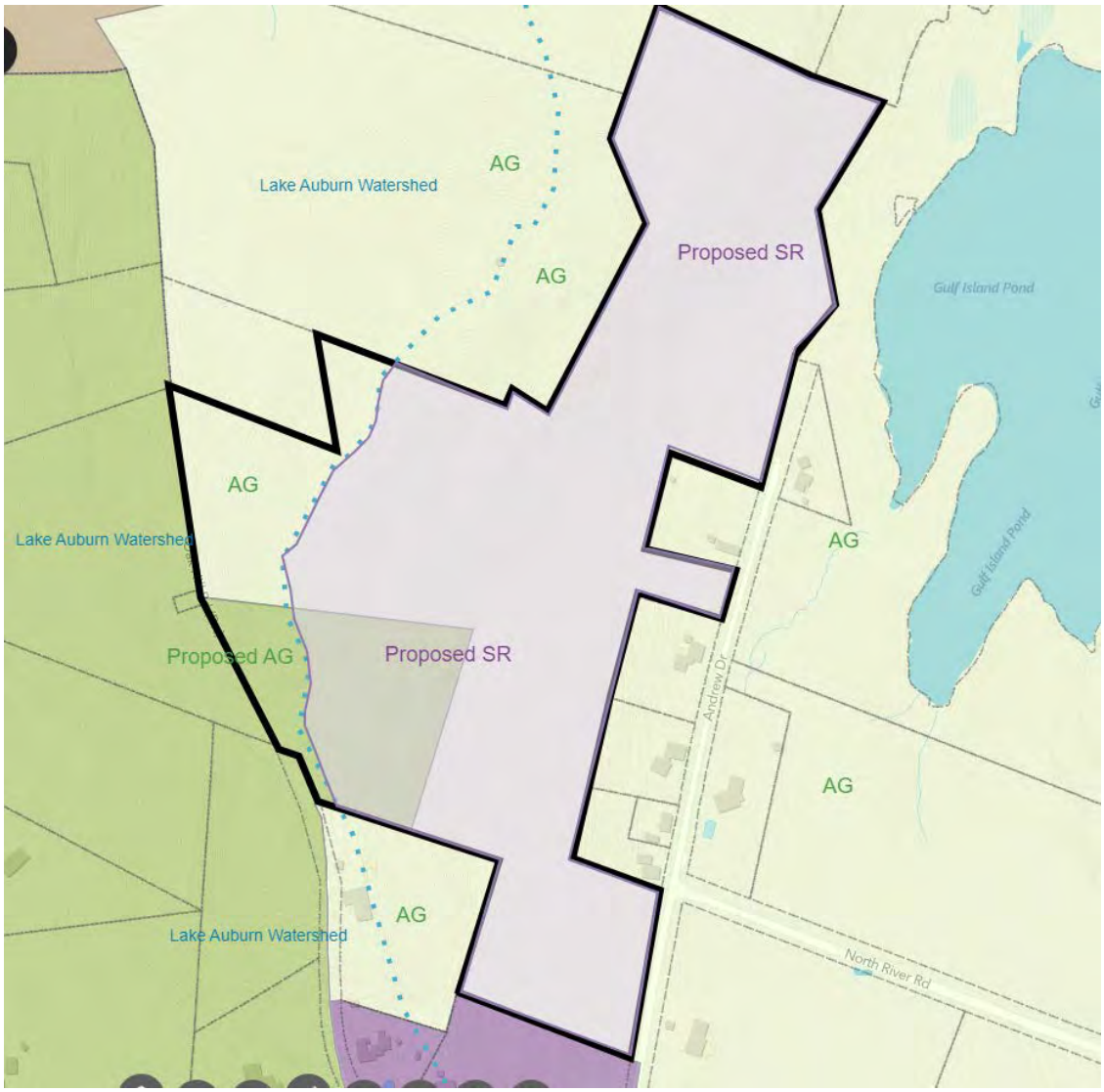


Figure 1—First Comprehensive Plan suggested change—the change requested in the petition.

The second Comprehensive Plan supported mechanism the Board could employ to approach this proposal is to apply residential strip zones. One of these criteria are the existence of an established residential pattern. An established residential pattern means at least six to eight homes per half mile counting both sides of the road. The road meets the criteria with seven homes in a quarter mile The Comprehensive Plan guides the city to also consider "reserve area adjacency" (maintained as undeveloped for the purpose of a different use in the foreseeable future) and "natural resource adjacency" (areas with significant natural value) as reason to not provide a residential strip zone. Part of the parcel has slopes of over 25%, where a residential strip should not be placed according to the comprehensive plan. Residential strips adjacent to Agriculture and Resource Protection land in Auburn are commonly 450 ft. deep measured from the centerline of the road.

The existing lots on Andrew Drive are approximately 240 ft- 250 ft deep measured from the centerline of the road.

If they opt to pursue the residential strips option, the Board could recommend rezoning 21.06 +/- acres instead of 33.49 +/- acres requested in the petition. This reduced acreage avoids some of the steepest slopes at the southerly edge of the parcel but does include steep slopes as shown on the attached overlay map. 12 +/- acres would remain in AG and 4.66 +/- acres would remain in LDCR as shown on the map below.

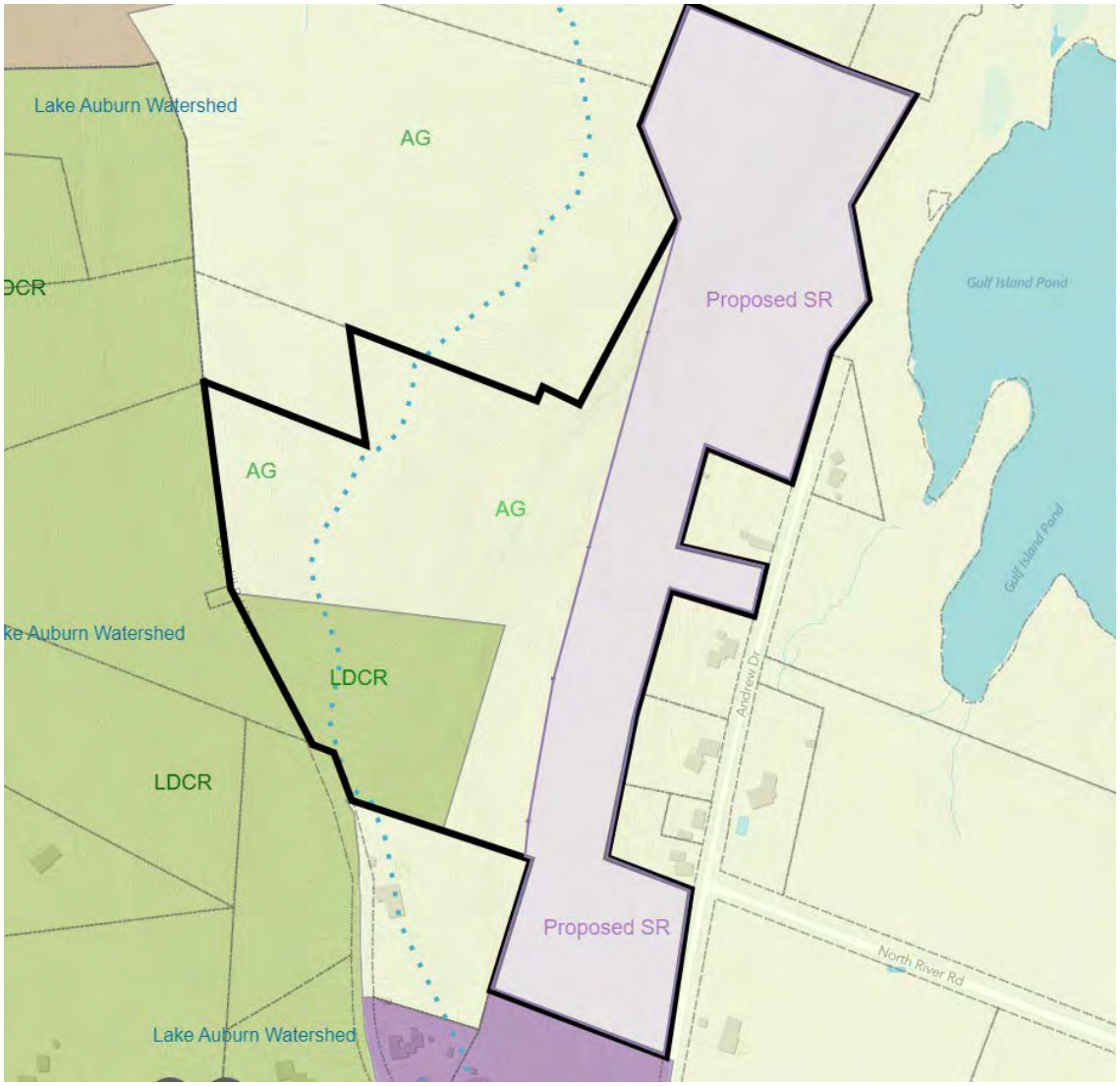


Figure 2—Option for Zone Change reflecting approximately 450' residential strip, supported by 2021 Comprehensive Plan.

Andrew Drive is adjacent to Gulf Island Pond where a public boat launch was proposed by the city in the past. At the time, the proposal was rejected because of safety concerns on Route 4. This summer, considerable safety upgrades have been made on the road addressing the original concerns that prevented the boat launch. As the Board considers rezoning 150 Andrew Drive, they may also consider rezoning the easterly side of the road abutting the river to SR to allow for future public access.

If the Board determines that residential strip zones should be extended on Andrew Drive, they may initiate a zone change in the future to rezone the five remaining parcels on the westerly side

of Andrew Drive from AG to SR and an additional 450 ft. strip from AG to SR on the easterly side of Andrew Drive beginning at Parcel I.D. 337-021, 101 Andrew Drive, or as determined by the Board and Council. If they pursue this, the board may decide to change the portion of the parcel in question currently zoned as LDCR to AG. The purpose of these subsequent changes would be to create a strip zone consistent with the Comprehensive Plan allowing for riverfront access thereby enhancing the neighborhood with waterfront recreational activity. The other purpose the subsequent zone change would be to convert land within the watershed to Agriculture and Resource Protection which is currently in LDCR. Below is a rendering of this future possible zone change.

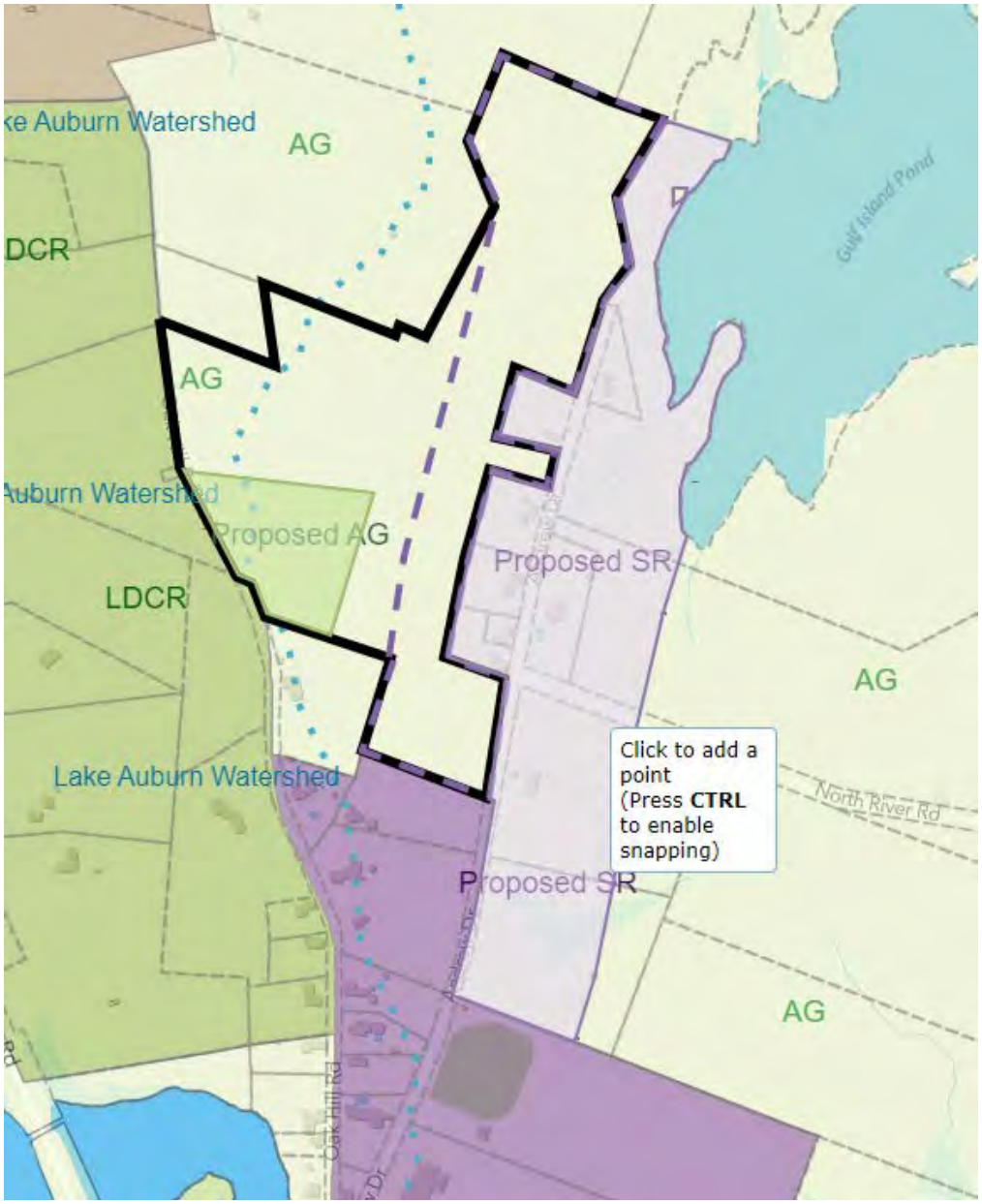


Figure 3—Possible future change; not part of this petition.

The Board could instead opt to change the existing Low-Density Country Residential to Suburban Residential zoning or leave it as LDCR it is now rather than designating it AG.

Planning Board Action:
Staff recommends that the planning board hold a Public Hearing and decide whether it is a better fit to make a motion to change 33.49 +/- acres as petitioned, change 21.06 +/- acres as a residential strip zone, or decide to take another route.

III. Suggested Finding of Fact:

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

IV. Department Review:
N/A

V. Suggested Motion:

A. I make a motion to recommend amending 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as depicted in *figure 1.*

OR

B. I make a motion to change 21.06 +/- acres of the 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG) to Suburban Residential (SR) outside the Lake Auburn watershed, following the map depiction in *figure 2.*

REZONING PETITION

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

Print Name	City of Auburn Legal Address	Signature
Bridget Shea	126 Sunderland Dr	
Kimberly Jalbert	1160 STONE RD	
Greg Jalbert	1160 Stone Rd	
Lisa Whitman	15 Par Four Dr	
Heather Hill	166 Cook St. #2	
William Menke	377 Beech Hill Rd	
Korie Rano	53 Andrea Lane	Korie Rano
Tom Smith	29 Vista Dr	
Cindy McNeil	39 Vista Dr. Auburn	
Victoria Langlais	217 Third St	
Marissa Moreau	18 Hillsdale St	
Scott Berube	203 Hackett Rd	
Karen Boucher	65 Jennifer Dr	
Brian Boucher	65 Jennifer DR	
Carrie Whitmore	37 Rafneel St	
Anthony Facchiano	264 Beech Hill Rd	
Sandy Royal	250 Summer St Auburn	
Shannon Chabot	42 E Bates Auburn	
Eric Smith	150 Cedarwood Rd	
Tom Howaniec	134 Nottingham Rd	
Barbara Howaniec	134 Nottingham Rd	Barbara Howaniec
Karen Mathieu	9 Amberley Way	
Michael J. Mathieu	9 Amberley Way	
NR Lana Cassidy	94 Amberley Way	
NR Greg Cassidy	94 Amberley Way	
MARNIE DUBOIS	138 FAIRVIEW AVE	
Jessica Samson	60 Longburn Ct Aub	
Amy Landry	78 Bradliff Knoll Aub	

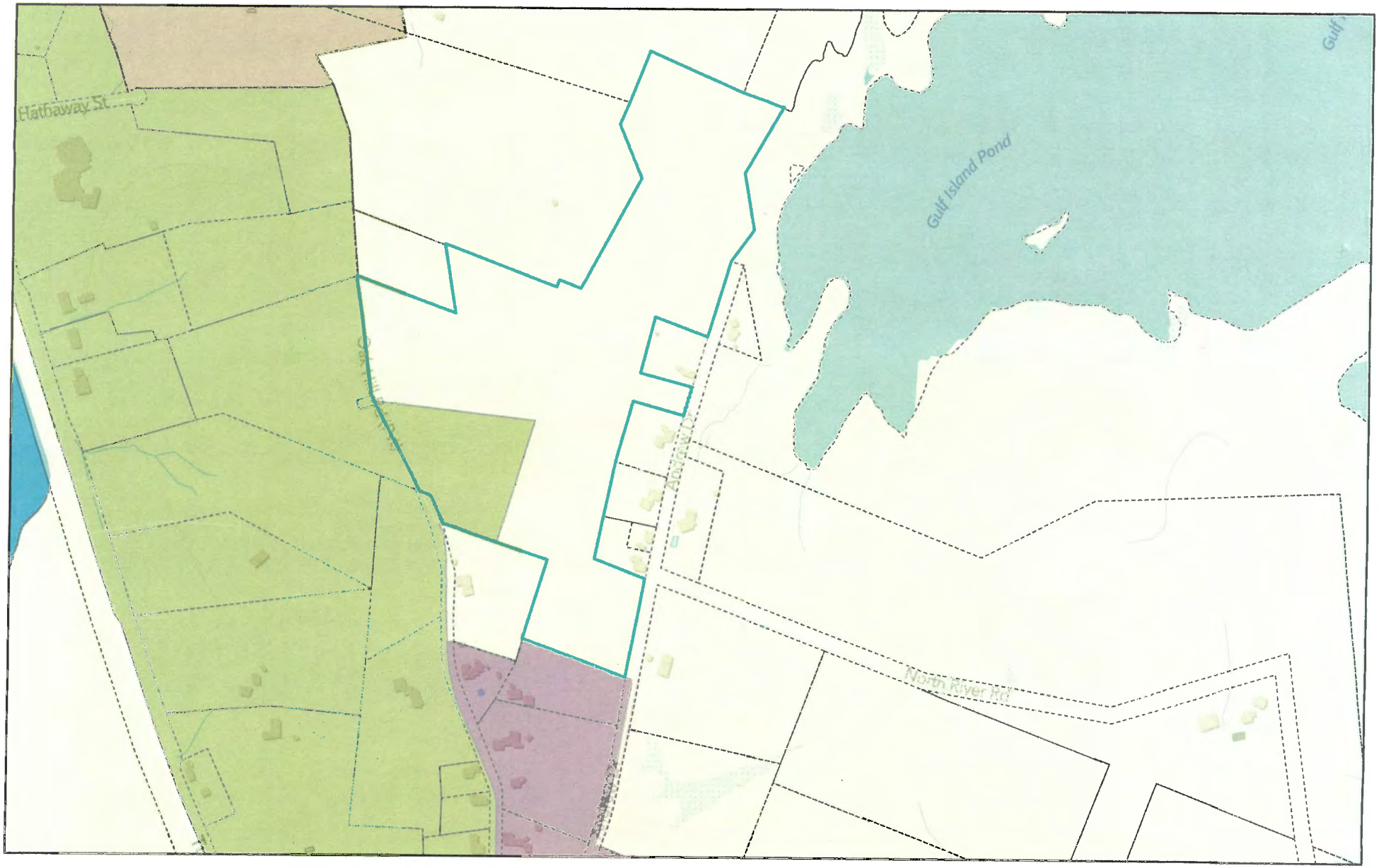
Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

98

Valid: 26 Invalid: 2

Amy F. Pepin
10/03/2022

ArcGIS Web Map



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

Current Parcels _ Public

Auburn Zoning

AG - Agriculture and Resource Protection

LDCR - Low Density Country Residential

RR - Rural Residential

SR - Suburban Residential

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Web AppBuilder for ArcGIS

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

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

RECEIPT

BILL TO:
John Reeder

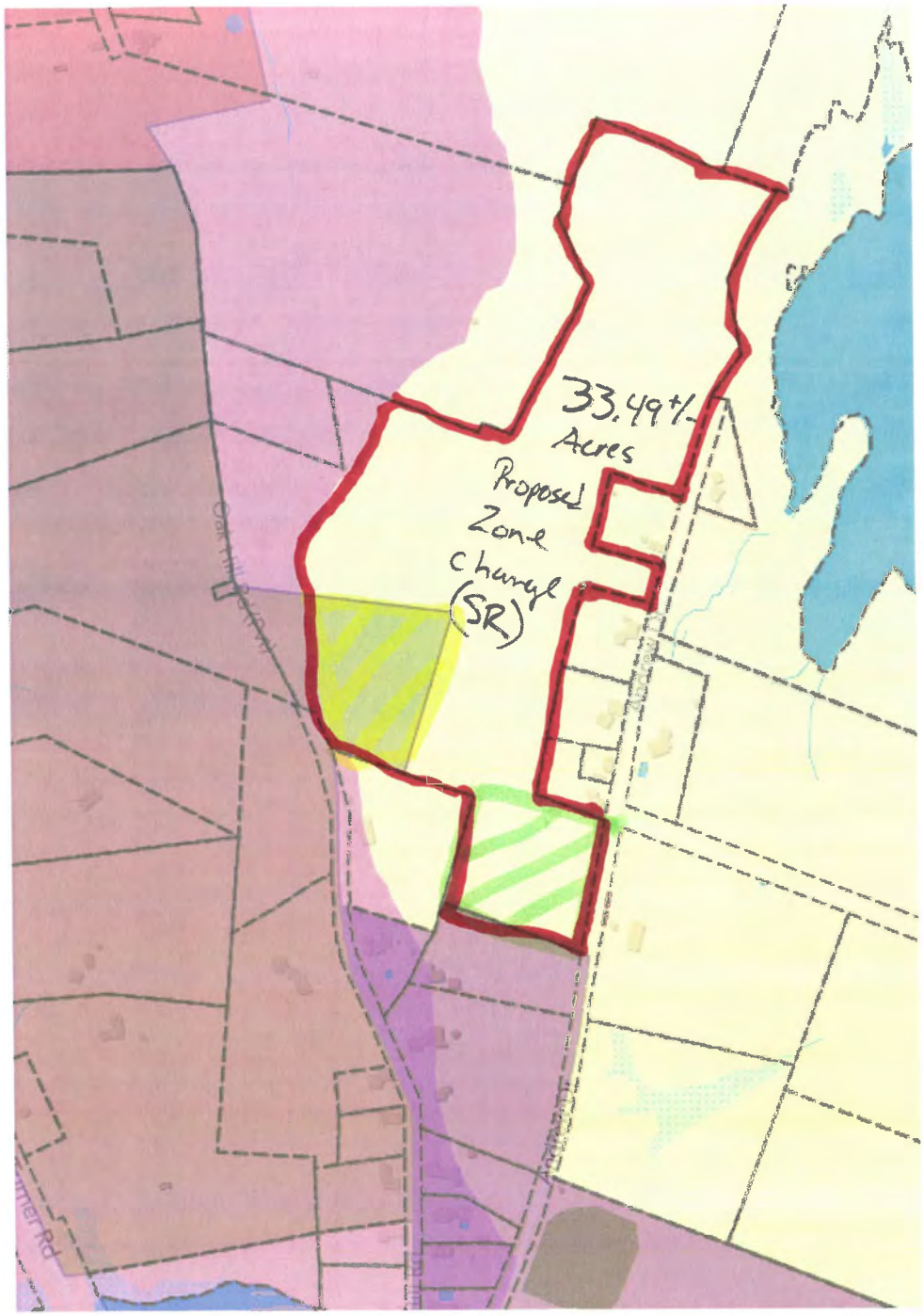
Receipt Number: TRC-018898-03-10-2022

Date: 10/03/2022

	Amount
PRIMARY FEES	
Invoice Number: 18315	
PL: Advertising - ZO/MA	$300.00
PL: Map Amendment	$400.00

PAYMENTS RECEIVED

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



— Proposed Parcel Zone change

— Growth Area

— Limited growth Area

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-254. Purpose.

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

(Ord. of 9-21-2009, § 3.42A)

Sec. 60-255. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Greenhouses.

(7) Licensed veterinarians, provided that the lot containing same is of at least three acres.

(8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:

a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.

b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.

c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.

(9) Wayside stands.

(10) Accessory uses, buildings or structures.

(11) Lawn maintenance services.

(12) Municipal uses and buildings.

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

(1) All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by section 60-229(b)(3), (9), (11) and (12).

(2) Professional offices may be created within existing single-family residences in existence at the time of adoption of this chapter, provided the following conditions are met:

a. Such residences shall have frontage on a major arterial as defined in the city's comprehensive plan.

b. Access to parking shall be located on the arterial frontage except for corner lots, in which case access may be located on the secondary roadway frontage.

c. In addition to meeting the requirements of article V of this chapter, required parking shall be separated from all lot lines by a buffer of 30 feet in width. Such buffer shall be vegetated in a manner to fully screen parked vehicles from view at the lot lines. A driveway serving such a parking area must be separated from the side lot line by a sight impervious fence of six feet in height or a buffer of ten feet in width meeting the vegetation requirements of this subsection (b)(2)c.

d. Signage shall be limited to a single nonilluminated sign with a maximum of 16 square feet of display per side.

(3) Adaptive reuse of structures of community significance.

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

Sec. 60-256. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 21,780 square feet, and measuring less than 150 feet in width; and measuring less than 125 feet in depth.

(2) *Density.* The density of dwelling units shall not exceed an average of two dwellings per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.42C; Ord. No. 11-03012021, § 18, 3-15-2021)

Secs. 60-257—60-275. Reserved.

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

3. Rural Residential Road Strips

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

Consideration #1 – Established Residential Pattern

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

Consideration #2 – Reserve Area Adjacency

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

Consideration #3 – Natural Resource Adjacency

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

Consideration #4 – Conservation/Open Space Adjacency

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

Consideration #5 -- Ability to Provide Public Services

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

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

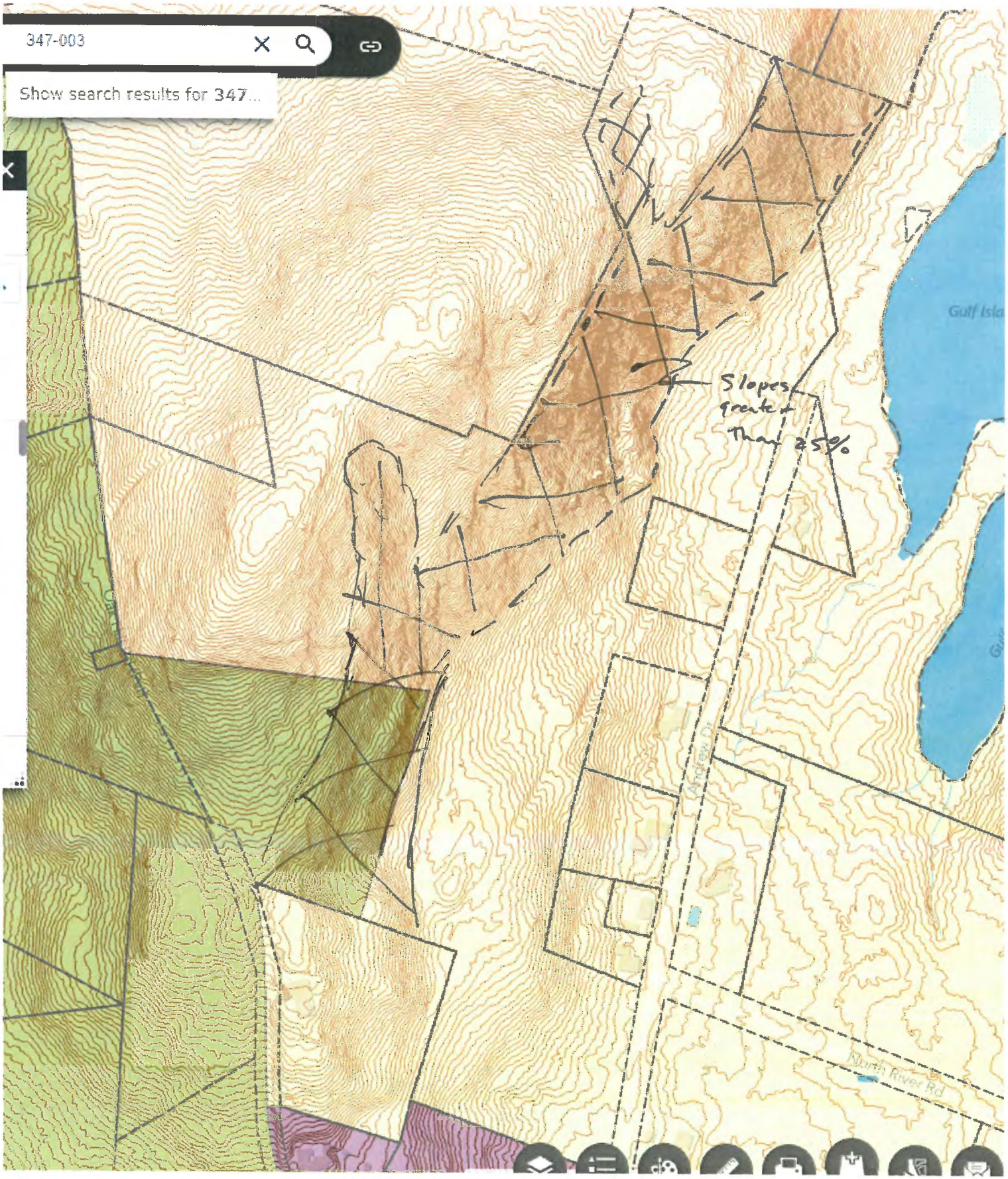
Consideration #6 – Water Quality Protection

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

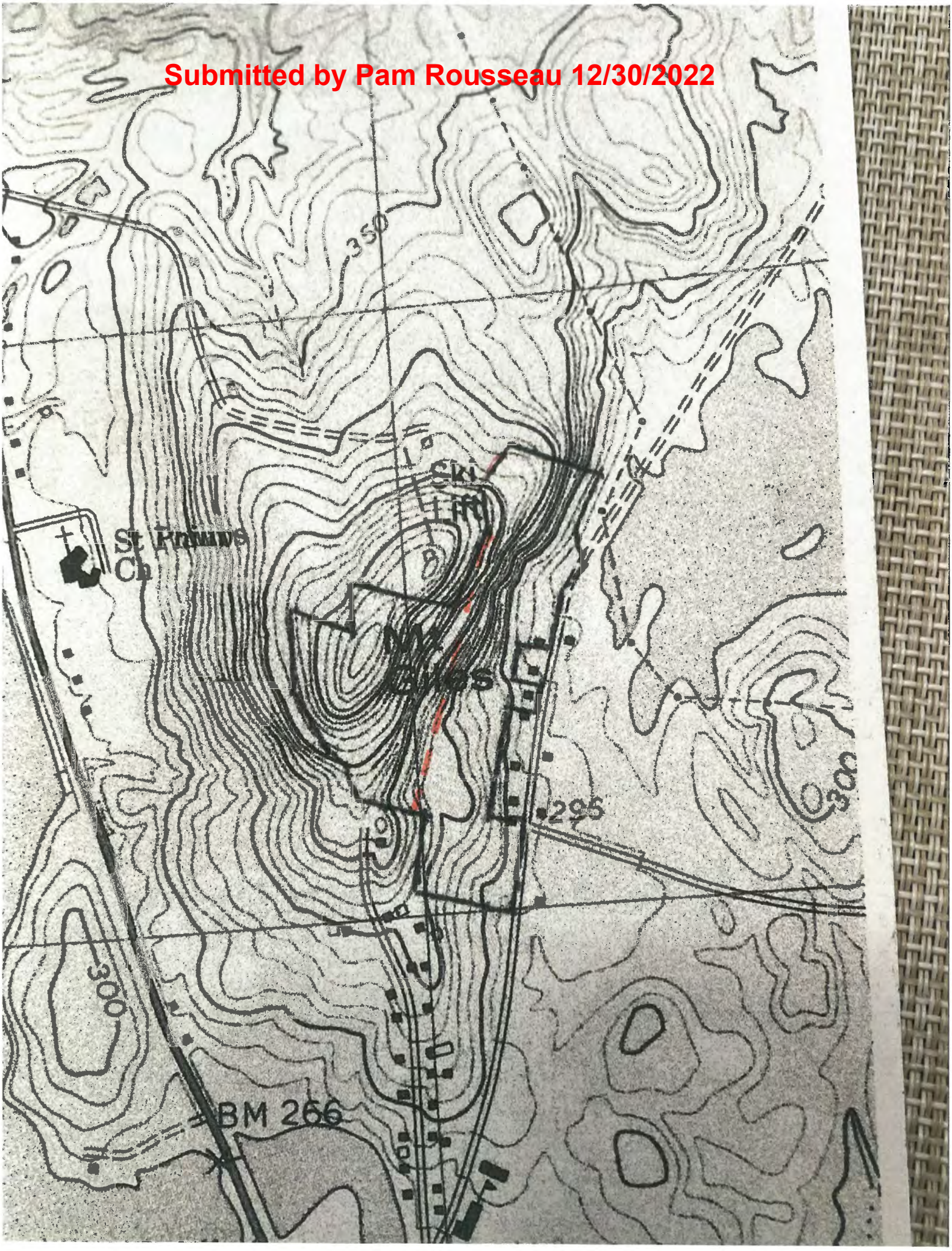
The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property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

4. NEIGHBORHOOD BUSINESS DISTRICTS

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


347-003
Show search results for 347...
Slopes greater Than 25%
Gulf Isla
Arcadia
North River Rd

Submitted by Pam Rousseau 12/30/2022



Oak Hill Rd (Pvt)
Turner Rd
Turner Rd

East Auburn – Citizens' Petition

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 41 TOTAL INVALID 3

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 1/13/2023 Signature of Registrar: Susan Clements-Dallaire

DATE & TIME PETITION RECEIVED
1/13/2023
11:45 AM

East Auburn – Citizens' Petition

We the undersigned registered voters, residents of East Auburn do hereby petition the Auburn Planning Board and City Council to retain the Agriculture/Resource Protection and the Low Density Country Residential zones on the entire parcel identified as PID 347-003.

This parcel contains a large hill of which, approximately 20 acres are composed of rock and ledge with extremely steep slopes that are not suitable for residential development.

	Print Name	Address	Signature
NR	Sacha Rines	172 Andrew DR	
✓	Bryan Farrell	172 Andrew DR.	
✓	Brad D Farrell	172 Andrew DR.	
* ✓	John Cleveland	183 Davis Ave	John Cleveland
✓	James G. Cyr	1290 N River Rd	James G. Cyr
✓	Renee M. Cyr	1290 N River Rd	Renee M. Cyr
✓	Deanna Nyberg	79 Oak Hill Rd	Deanna Nyberg
✓	Lori Groves	180 Andrew Drive	Lori Groves
✓	Hazell Ward	1372 N. River Rd.	Hazell G. Ward
* ✓	Ryan Smith	14 Weaver St. 11 Harris st	Ryan E. Smith
✓	Lisa Bisson	199 Andrew Dr.	Lisa Bisson
✓	Ron Bisson	199 Andrew Dr.	Ron Bisson
✓	Caleb Bisson	199 Andrew Dr.	
NR	Nicole Guimond	188 Andrew Dr	Nicole Guimond
NR	Richard Chunness	188 Andrew Dr.	
✓	Jessica Withers	251 Andrew Dr.	
✓	Chris Withers	"	
✓	Paul Tardif	172 Andrew Drive	Paul Tardif
✓	Kristal "Scot" Howard	147 Andrew Drive	
✓	Dan Howard	147 Andrew Drive	Dan Howard

* two not East Auburn residents - not in tally of 41

East Auburn – Citizens' Petition

We the undersigned registered voters, residents of East Auburn do hereby petition the Auburn Planning Board and City Council to retain the Agriculture/Resource Protection and the Low Density Country Residential zones on the entire parcel identified as PID 347-003.

This parcel contains a large hill of which, approximately 20 acres are composed of rock and ledge with extremely steep slopes that are not suitable for residential development.

Print Name	Address	Signature
ERNESTO VINCENTZ	79 OAK HILL RD AUBURN	
Dennis French	79 Oak Hill Rd Auburn	
Regina Moody	104 Oak Hill Auburn	
Joshua Moody	104 Oak Hill Auburn	
Caroline Berube	119 Oak Hill Rd	Caroline Berube
Nathan Galway	119 Oak Hill Rd. Auburn	
Brandy L Galway	119 Oak Hill Rd Auburn	
Brandon Wood	166 Oak Hill Rd Auburn	
Emily Wood	166 Oak Hill Rd Auburn	
Jan Read	177 Oak Hill Rd.	Jan Read
Martin Read III	177 Oak Hill Rd	
Paul Farnsworth	208 Oak Hill Rd	
Julie Farnsworth	208 Oak Hill Rd	
Gloria J Delano	208 Andrew Dr	
Gordon DELANO	208 ANDREW DR	

East Auburn – Citizens' Petition

We the undersigned registered voters, residents of East Auburn do hereby petition the Auburn Planning Board and City Council to retain the Agriculture/Resource Protection and the Low Density Country Residential zones on the entire parcel identified as PID 347-003.

This parcel contains a large hill of which, approximately 20 acres are composed of rock and ledge with extremely steep slopes that are not suitable for residential development.

Print Name	Address	Signature
Diane M. Whiting	1 Fox Hollow St	Diane M Whiting
Elise A. Wiley	1101 N. River Rd	Elise Ann K Wiley
Grace Barker	1101 N River Rd	Grace Barker
John R. Wiley	1101 N. River Rd.	John R. Wiley
Scott Blanchard	800 N River Rd	Scott Blanchard
Shannan Reid	800 N River Rd	Shannan Reid
Maurice Keene	775 N River Rd	Maurice Keene
Shirley Keene	775 N River Rd	Shirley Keene
Bonnie Phillips	1458 Turner St	Bonnie J Phillips

ORDINANCE 24-12052022

City Council Ordinance

IN CITY COUNCIL

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

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

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023 **Order:** 165-12192022

Author: John Blais, Deputy Director of Planning, Permitting and Code

Subject: Directing the City Manager to fund the Engineering and Architectural (AE) Proposal, Shovel Ready Housing Plans Proposal #2023-009 with ARPA Funds

---

Information:. The competitive RFP was drafted and advertised through the Engineering and Architectural (AE) Proposal, Shovel Ready Housing Plans, **Proposal #2023-009**. using the City of Auburn, procurement process. Two proposals were received on November 10th, 2022. Over the past few weeks, the Mayors Ad-hoc committee reviewed and scored the proposals with a selection score of (91) LeMessurier Consultants, Inc over Gawron Turgeon Architects (77).

Total contract would be $145,000.00 as we have negotiated that down by the original bid by $8,000.00.

City Budgetary Impacts: $145,000 allocated to ARPA funds.

Staff Recommended Action: Based on the response to the RFP, staff is recommending not moving forward with this item.

Previous Meetings and History: September 6 & 19, 2022. The Council on September 19, 2022, voted to direct the City Manager to draft a request for proposal (RFP) and budgeting for an architectural firm. Ad-Hoc committee met on November 17 and December 8th 2022 to review and score proposals and provide direction. At the 12/19/2022 meeting, this item was postponed to tonight's meeting.

City Manager Comments:
I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Ad-Hoc RFP Score.

ORDER 165-12192022

City Council Order

IN CITY COUNCIL

ORDERED, that Auburn City Council allocates $145,000 of ARPA (American Rescue Plan Act) funds for the acquisition of the Shovel Ready Housing Plans.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023

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

Subject: Public Hearing Prior to drafting CDBG & HOME Consortium Annual Action Plan

---

Information:
The City of Auburn is required to hold a Public Hearing prior to drafting the annual action plan for the US Department of Housing & Urban Development. The purpose of this Public Hearing is to obtain the views of residents of the community on housing and community development needs, including priority non-housing community development needs and affirmatively furthering fair housing. Staff will release the Draft Action Plan after reviewing and incorporating responses to any comments received. Once the City's annual allocation award has been received the action plan will be finalized and released in draft form for additional comment. After a minimum of thirty (30) days comment period it will again have a public hearing and be put before the Council for approval.

City Budgetary Impacts:
n/a

Staff Recommended Action:
Hold public hearing.

Previous Meetings and History:
n/a

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
n/a

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023 **Ordinance:** 02-02132023

Author: Eric Cousens, Director of Planning and Permitting

Subject: Workshop in preparation for First Reading on a Zoning text amendment related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices.

Information: Zoning text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

This is a workshop to ask questions and clarify how the draft ordinance would work for review of specified uses. First reading is scheduled for later tonight, a Planning Board Public Hearing is scheduled for 2/14/23 and Second reading with Public Hearing is scheduled for City Council on 2/17/23. In summary the proposed ordinance established new definitions for Public Safety Facilities, correctional facilities and related uses. Prior to this there was only a broad category of Government Offices and Services that could cover a wide range of uses that had very different potential impacts. The Planning Board and staff worked to define the different uses using other communities and best practices as a guide and then to determine where they could be appropriate and what special impacts should be addressed by conditions. Attached is the draft text. Correctional facilities and jails will be limited to T5.2 (where one exists) and the Industrial district. Public safety facilities will be allowed more broadly as a special exception with Planning Board review and with an approval by the City Council after review of a needs and impacts analysis specific to any proposed facility. The needs and impacts analysis would be easier to justify where impacts from existing facilities already exist and residents are used to living with them. Government Offices/services with more office related functions, other than Public safety and correctional facilities/jails, would be allowed even more broadly as shown in the attached amendment.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage.

Previous Meetings and History: None. Partly discussed when a moratorium was put in place in 2022.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance amendment language, Use Matrix used for discussion with Planning Board Planning Board staff report.

ORDINANCE 02-02132023

City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV.

Be it ordained, that the Auburn City Council adopts a Zoning text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

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

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

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

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

(1) Bed and breakfast homes or inns;

(2) Restaurants, diners or cafes;

(3) Art studios and galleries;

(4) Performing arts centers;

(5) Medical and dental clinics;

(6) Office space;

(7) Municipal and government uses; and

(8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit.*

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a towtruck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or *lodginghouse* means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure.*)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child care home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

(1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.

(2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Correctional institution means a publicly or privately operated facility generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Detention facility mean In the case of an adult or juvenile, "detention" means the confining of an adult or juvenile held in lawful custody in a specially constructed or modified facility designed to ensure continued custody and control. Detention may be confinement before trial or another hearing by a court or confinement to serve court-imposed sentences or dispositions and may be in a step-down, jail, half-way house or lock-up facility.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or *zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Government offices means a room or group of rooms used for conducting the affairs of a government entity, not entailing the sale of goods except that which is clearly incidental.

Government services means for the purposes of this chapter, "government services" includes the functions performed by the various government agencies in the city. Government services includes the following: government administration, courts, public schools, postal services, public works and municipal utilities.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

(1) The sale of greenhouse products and related supplies; and

(2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling

shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

(1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or

(2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. Illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

(1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or

(2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School.*)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Jail means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

Junkyard or *automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lock-up facility means a facility designated by law or regularly used for detention for a temporary period before trial or transfer to a jail or other facility.

Lodge, private. See the term *Club, private.*

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to

provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;

(5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

(1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.

(2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

(1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)

(2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

(3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

(4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

(1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;

(2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;

(3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or *earth removing* means the excavation of any earth materials.

Minor arterial highway means the highway that:

(1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;

(2) Provides access to geographic areas smaller than those served by the major arterial highway system; and

(3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities,

including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal or public utilities and communication facilities means the use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. "Public utility" also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for or commodities delivered to the public or any portion thereof. Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. For the purposes of this chapter, a municipal or public utility or communications facility includes, but is not limited to, the following: a private telephone company or paging service, any utility regulated by the Maine Public Utilities Commission, and any other commercial communications tower.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery

products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

(1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and

(2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Public Safety Services Facilities operated by public agencies to provide services relating to the general health, safety, and welfare of the population, including but not limited to fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarter, and emergency response services, excluding correctional facility, interim incarceration, lock-up or jail facilities.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeetor trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school.*)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or*office mall* means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

(1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;

(2) A way accepted by the municipal officers of the city;

(3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or

(4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage.*

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or *building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home.*

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or *RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District.*

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021)

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Secs. 60-116—60-143. Reserved.

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

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

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.

c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.

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

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel can reasonably accommodate the proposed farm.

3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:

4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

5. The proposed residence shall be accessory to farming.

6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.

e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department

of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

(20) Municipal or public utilities and communications facilities

(21) Municipal uses

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided

that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).

(2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

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

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

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

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

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

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

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

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

Sec. 60-202. Dimensional requirements.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

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

Secs. 60-203—60-227. Reserved.

DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-228. Purpose.

This district is intended to provide for low density rural residential areas while protecting adjacent agriculture and resource protection districts, allowing a degree of residential development compatible with maintenance of environmental quality and preservation of the open character of the area.

(Ord. of 9-21-2009, § 3.41A)

Sec. 60-229. Use regulations.

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

(1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(6) Licensed veterinarians provided that the lot is of at least three acres.

(7) Wayside stands.

(8) Accessory uses, buildings or structures.

(9) Lawn maintenance services.

(10) Municipal uses and buildings.

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

(1) Radio, radar, television and radio-telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, buildings occupants, land uses and properties.

b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(2) Care homes, lodginghouses and boardinghouses.

(3) Recreational uses of land intended or designed for public use, subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(4) Child day care centers, provided that:

a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.

b. They shall not be located closer than 1,000 feet from other established day care centers.

c. These standards shall not apply to section 60-52.

(5) Cemeteries, provided that:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(6) Community-based residential facilities, provided that:

a. The minimum distance between any two such facilities shall be 1,500 feet.

b. Any such facility shall house no more than eight persons.

(7) Licensed kennels provided that there shall be available land area of at least three acres.

(8) Training schools.

(9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(10) Adult day centers.

(11) Landscape services.

(12) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(13) Schools.

(14) Churches or temples.

(15) Libraries.

(16) Museums.

(17) Adaptive reuse of structures of community significance.

(18) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(19) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(20) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(21) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.41B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 12-08192019, 9-9-2019; Ord. No. 11-03012021, § 12, 3-15-2021)

Sec. 60-230. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 43,560 square feet and measuring less than 250 feet in width. No lot shall be less than 150 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted, provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. A public building, church or temple, and accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.41C; Ord. No. 11-03012021, §§ 13, 14, 3-15-2021)

Secs. 60-231—60-253. Reserved.

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-254. Purpose.

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

(Ord. of 9-21-2009, § 3.42A)

Sec. 60-255. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Greenhouses.

(7) Licensed veterinarians, provided that the lot containing same is of at least three acres.

(8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:

a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.

b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.

c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.

(9) Wayside stands.

(10) Accessory uses, buildings or structures.

(11) Lawn maintenance services.

(12) Municipal uses and buildings.

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

(1) All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by section 60-229(b)(3), (9), (11) and (12).

(2) Professional offices may be created within existing single-family residences in existence at the time of adoption of this chapter, provided the following conditions are met:

a. Such residences shall have frontage on a major arterial as defined in the city's comprehensive plan.

b. Access to parking shall be located on the arterial frontage except for corner lots, in which case access may be located on the secondary roadway frontage.

c. In addition to meeting the requirements of article V of this chapter, required parking shall be separated from all lot lines by a buffer of 30 feet in width. Such buffer shall be vegetated in a manner to fully screen parked vehicles from view at the lot lines. A driveway serving such a parking area must be separated from the side lot line by a sight impervious fence of six feet in

height or a buffer of ten feet in width meeting the vegetation requirements of this subsection (b)(2)c.

d. Signage shall be limited to a single nonilluminated sign with a maximum of 16 square feet of display per side.

(3) Adaptive reuse of structures of community significance.

(4) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(5) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(7) Municipal or public utilities and communication facilities

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

Sec. 60-256. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 21,780 square feet, and measuring less than 150 feet in width; and measuring less than 125 feet in depth.

(2) *Density.* The density of dwelling units shall not exceed an average of two dwellings per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.42C; Ord. No. 11-03012021, § 18, 3-15-2021)

Secs. 60-257—60-275. Reserved.

DIVISION 6. URBAN RESIDENCE DISTRICT

Sec. 60-276. Purpose.

This district is intended to provide for, protect and stabilize medium density urban residential areas of single- and two-family detached dwellings and their adjunct public and institutional uses. It is designed to ensure a family living environment in an urban setting through lot size requirements that provide adequate yard space for family outdoor activity and play space for children.

(Ord. of 9-21-2009, § 3.43A)

Sec. 60-277. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Accessory uses building or structures.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Municipal uses and buildings.

(b) *Special exception uses.* All uses permitted by special exception in the Suburban Residence (SR) District (division 5 of article IV of this chapter), except radio, radar, television and radio-telephone transmitting towers are permitted in the Urban Residence (UR) District.

(1) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.43B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 19, 20, 3-15-2021)

Sec. 60-278. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 10,000 square feet; and measuring less than 100 feet in width. No lot shall be less than 100 feet in depth. No two-family dwelling shall be erected on a lot containing less than 12,000 square feet.

(2) *Density.* The density of single-family dwelling units shall not exceed four units per acre. The density of two-family dwelling units shall not exceed six units per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.43C; Ord. No. 11-03012021, § 21, 3-15-2021)

Secs. 60-279—60-304. Reserved.

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Multifamily dwellings in existence on September 23, 1988.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Shelter for abused persons.

(7) Accessory uses, buildings or structures.

(8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(9) Municipal uses and buildings.

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

(1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).

(2) Off-street parking lot, provided that:

a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.

b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.

(3) Professional offices.

a. Shall be in buildings which are listed on the state resource list and/or federal historic register.

b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.

c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.

(4) Adaptive reuse of structures of community significance.

(5) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(7) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(8) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021)

Sec. 60-307. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:

a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.

(2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

a. Multifamily buildings shall have a maximum height of 45 feet from grade.

b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Secs. 60-308—60-332. Reserved.

DIVISION 8. RESERVED[1]

Secs. 60-333—60-358. Reserved.

DIVISION 9. PLANNED UNIT DEVELOPMENTS

Subdivision I. In General

Sec. 60-359. Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the planning board's evaluation of the development proposal and the purposes standards and provisions set forth in this division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-360. Scope.

(a) Application for a PUD-C Planned Unit Development, PUD-I Planned Unit Development or PUD-R Planned Unit Development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. Application for a PUD-RR Planned Unit Development: Recreation/Residential may be made for land located where public sewer is presently available, will be made available by the developer prior to certificates of occupancy being issued or may utilize private wastewater disposal systems in compliance with state plumbing codes.

(b) The dimensional requirements stated in individual zoning districts and signs as stated in article VI of this chapter may be increased or decreased by the planning board as they apply to planned unit developments, except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in section 60-359, purpose, and section 60-361, general standards.

(c) Coordination with subdivision regulations.

[1]Editor's note(s)—Ord. No. 25-06212021, adopted July 19, 2021, repealed div. 8, §§ 60-333—60-335, which pertained to the multifamily urban district and derived from an Ord. adopted September 21, 2009; Ord. No. 05-04032017, adopted April 24, 2017; and Ord. No. 11-03012021, adopted March 15, 2021.

(1) If a plan review is required under division 4 of article XVI subdivision of this chapter, it shall be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.

(2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI subdivision of this chapter relative to final plans where applicable.

(3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 27, 3-15-2021)

Sec. 60-361. General standards.

The following provisions apply to all planned unit development districts:

(1) The dimensional requirements as stated in individual zoning districts shall apply within the PUD but may be increased or decreased due to individual site characteristics as determined by the planning board to promote the purposes set forth in section 60-359 of this chapter.

(2) The planning board may increase or decrease the required number of off-street parking spaces as stated in article V of this chapter in consideration of the following factors:

a. The probable number of cars owned by occupants of dwellings in the planned unit development;

b. The parking needs of any nonresidential uses;

c. Varying time periods of use, and whatever joint use of common parking areas is proposed.

(3) Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.

(4) A PUD involving residential uses shall reserve an amount of land equal to that required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD or open to the public. Land reserved to satisfy the open space requirement shall be:

a. Administered through a homeowner's association; or

b. Dedicated to and accepted by the city for public use; or

c. Land occupied by a major recreational use adjacent to a PUD-RR; or

d. Managed by a non-profit organization or land trust deemed capable of management by the planning board; or

e. A combination of a, b, c and/or d above.

(5) All of the requirements of the City Code of Ordinances applicable to the zoning district not addressed in this division, shall apply.

(6) Before granting approval of the final development plans, the planning board must find that said plan addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved::

a. The proposed development has an appropriate relationship to the surrounding area;

b. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and

exhaust. Proper circulation in parking areas is designed for safety, convenience, separation and screening;

c. Adequate open space has been provided with consideration given to preservation of natural features including trees and drainage areas, topographic features, recreation and views.

d. Privacy in terms of needs of individuals, families and neighbors;

e. Pedestrian and bicycle traffic in terms of safety, separation, convenience and access points;

f. Building types in terms of appropriateness to density, site relationship and bulk;

g. Building design in terms of orientation, spacing, character, storage, signs and lighting;

h. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;

i. Preservation of historically or architecturally significant buildings or places, if any;

j. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued, except as allowed by section 60-360(a) in the case of a PUD-RR.

k. That the proposal meets the requirements of section 60-1335, special exception of this ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D; Ord. No. 08-08072017, 9-11-2017)

Secs. 60-362—60-380. Reserved.

Subdivision II. Types

Sec. 60-381. Definitions.

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

Planned includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-382. PUDs established.

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

(1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.

(2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.

(3) PUD-C Planned Unit Development: Commercial in GB and GBII.

(4) PUD-I Planned Unit Development: Industrial in ID.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 28, 3-15-2021)

Sec. 60-383. Zoning map indication.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or, PUD-RR or PUD-C or PUD-I. (Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-384. Permitting.

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the planning board as a phased development. (Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-385. Planned Unit Development—Residential (PUD-R).

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R Planned Unit Development: Residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the planning board.

(1) Uses permitted by right or permitted by special exception in the residential districts noted in this section and the underlying zoning district.

(2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial uses shall be subject to the following requirements:

a. Such uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.

b. Except as stated in division 11 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.

c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to them.

d. Sign.

1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A commercial use shall have not more than one sign for every street frontage. Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.

2. A residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.

(3) The total number of dwelling units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in the underlying zoning district or as approved by the planning board pursuant to the standards in the underlying zoning district.

(4) If common open space remaining is offered to the city and is acceptable to the city, such dedication may be considered as partial or total fulfillment of park and open space dedication.

(5) Upon review of a PUD-R proposal, the planning board may authorize up to a 20 percent increase in density over that otherwise allowed in the underlying district if the following criteria are met:

a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.

b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.

c. *Design.* A unified cohesive development, focal points for orientation and interaction, variety of scale.

d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.

e. *Convenient.* A convenient well-defined access.

f. *Compatibility.* Compatibility with the adopted comprehensive plan and/or plans approved by city boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.

(6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 29, 3-15-2021)

Sec. 60-386. Planned Unit Development—Recreation/Residential (PUD-RR).

The PUD-RR district is created to provide for the development of residential and commercial uses that are customary, complementary, and appropriate to major recreational uses on land located adjacent to them. Major recreation uses of land are designed for outdoor use of large land areas and have indoor facilities to accommodate groups of people. Major recreation uses may be open year round or may operate seasonally and their economic viability and continued operation are recognized as assets to Auburn. Flexibility for the siting of homes, condominiums, hotels or motels and accessory uses that are of a scale that is compatible with the surrounding area will help support the economics of a major recreation use.

Any major recreation use containing 100 acres or more area may be developed as a planned unit development: Recreation/Residential-PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the planning board.

(1) Uses permitted by right or permitted by special exception in the underlying zoning district.

(2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a planned unit development and as a subdivision under section 60-359 and section 60-1359 of this chapter.

(3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the planning board as a site plan and as a special exception under section 60-1276 and section 60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the planning board at the time of PUD and/or special exception review. In making their determination, the planning board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of section 60-385(2)d. as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.

(4) Accessory commercial uses provided that they are approved as a site plan and as a special exception under section 60-1276 and section 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.

(5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the planning board pursuant to section 60-361(4). For the purpose of determining the number of dwelling units permitted on parcels located within more than one zoning district, the higher density district standard may be applied to the entire parcel and adjacent major recreational use in the case of a PUD-RR Planned Unit Development.

(6) The requirements of a planned unit development, section 60-361(4) and as a subdivision, section 60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.

(7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.

(8) The requirements of this chapter applicable to the underlying district or districts, not addressed in this section, shall apply.

(Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 61, 3-15-2021)

Sec. 60-387. Planned Unit Development—Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the underlying zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-388. Planned Unit Development—Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the underlying zoning district are permitted in the PUD-I district.

(Ord. of 3-16-2009, § 3.51(C)(4); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Secs. 60-389—60-417. Reserved.

Subdivision III. Application Procedure

Sec. 60-418. Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶); Ord. of 9-21-2009, § 3.51E)

Sec. 60-419. Submission and review.

(a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.

(b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

(c) The site plan must contain the following information:

  (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;

  (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;

  (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.

(d) The written statement to accompany the development plan outline map must contain the following information:

  (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;

  (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;

  (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.

(e) The number of copies of the written statement must be consistent with the provisions of section 60-1300.

(f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. Final development plan.

(a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.

(b) The planning board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.

(c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:

(1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.

(2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.

(3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.

(d) From time to time the planning board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the planning board may initiate proceedings. The planning board, for good cause shown by the property owner, may extend the limits of the development schedule.

(e) The planning board may require adequate assurance in a form consistent and acceptable to the planning board, that the common open space shown in the final development plan shall be provided and developed.

(f) Final development plan contents:

(1) The final development plan shall contain the information provided on the preliminary development plan and any additional information requested by the planning board and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the planning board.

(2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419.

(3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.

(4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.

(g) Control of planned unit development following completion.

(1) The planning board shall review and take action on the competed final plan.

(2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.

(3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:

a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the planning board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.

b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principal, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.

c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.

d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.

e. All other changes in the final development plan must be made by the planning board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:

1. Continued successful functioning of the planned unit development;

2. By changes in conditions that have occurred since the final plan was approved; or

3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, §§ 62, 63, 3-15-2021)

Secs. 60-421—60-438. Reserved.

DIVISION 10. RESERVED[2]

Secs. 60-439—60-469. Reserved.

DIVISION 11. NEIGHBORHOOD BUSINESS DISTRICT

Sec. 60-470. Purpose.

This district is intended to provide for the daily convenience shopping and business needs of nearby residents and contains those retail, service and office uses which serve primarily a neighborhood population. It is intended that this district be located on lots in areas zoned for residential use.

(Ord. of 9-21-2009, § 3.61A)

Sec. 60-471. Use regulations.

(a) *Permitted uses.* The following uses are permitted, provided that the business use be limited to the ground floor and/or basement and that the gross building area devoted to business use, excluding storage, does not exceed 3,000 square feet:

(1) Residential dwellings at the same density as permitted in any abutting residential district.

(2) Beauty parlors, barbershops and self-service laundries.

(3) Public transportation passenger stations.

(4) Grocery stores.

(5) General commercial uses (retail, service and office uses), not necessarily associated with the surrounding neighborhood, may be authorized by the planning director upon written application adhering to the following procedure and criteria:

a. The external activity levels and impacts are limited as to be compatible with and not adversely affect the character of the surrounding neighborhood.

b. The proposed use will not create excessive noise, excessive traffic, nuisances (vibration, smoke, odor, appearance, etc.), fire hazard and other negative impacts of business activities being conducted in the residential neighborhood.

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

[2]Editor's note(s)—Ord. No. 20-05032021, adopted May 17, 2021, repealed div. 10, §§ 60-439—60-443, which pertained to the downtown enterprise zone and derived from an Ord. adopted September 21, 2009 and Ord. No. 05-04032017, adopted April 24, 2017.

(1) Automobile parking lots and garages, commercial and public, provided that they shall be at least ten feet from any lot in a residential district and that the setback area be landscaped.

(2) Public utility uses, such as electric substations and office, excluding repair facilities and the storage of material and trucks.

(3) Convenience stores, drug stores, variety stores and retail bakeries shops provided that goods baked on the premises shall be sold only on the premises.

(4) Automobile filling stations.

(5) Halls, private clubs and lodges.

(6) Shoe repair shops, pickup laundries and dry cleaners.

(7) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.61B; Ord. No. 05-04032017, § 2, 4-24-2017)

Sec. 60-472. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No minimum shall be applied to buildings in this district.

(2) *Density.* The maximum lot coverage by all building shall be 40 percent.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every principal building a rear yard having a minimum depth of 35 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any principal building and the side property line, plus the side yard setback shall be increased one foot for every four feet or part thereof increase in street frontage over 49 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every principal building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

d. *Open and unbuilt spaces.* Any yard space or area required to be kept open and unbuilt on may be used, if otherwise lawful, for off-street automobile parking, except that a green strip not less than ten feet wide shall be maintained open and green, not built on, paved, or parked on, all or parked on, all along each property line that abuts land residentially.

(4) *Height.* No permitted structure shall exceed two stories or 35 feet in height. A public building, church or temple, or accessory building or structure may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking and loading.* Provisions for off-street parking shall not be required in the NB district, except for dwellings and for any parking and loading area required as a condition of special exception approval.

(Ord. of 9-21-2009, § 3.61C)

Secs. 60-473—60-497. Reserved.

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

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

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

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

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Wholesale bakeries.

(12) Retail laundries and dry cleaners, but not plants.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Warehouses, wholesale offices, salesrooms and showrooms.

(18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.

(19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(20) Animal hospitals and pet shops, but no kennels.

(21) Business equipment repair and business services.

(22) Radio and television studios.

(23) Printing shops, but not publishing plants.

(24) Retail, service, office and commercial uses similar to the foregoing.

(25) Carwashes.

(26) Accessory uses, building and structures.

(27) Shelters for abused persons.

(28) Greenhouses and lawn maintenance services.

(29) Temporary outdoor places of amusement.

(30) Churches and temples.

(31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(32) Marijuana cultivation accessory to a licensed retail store on the same property.

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

(1) Automobile filling stations.

(2) Automobile repair and service stations.

(3) Automobile and marine sales lots and sales and service agencies.

(4) Automobile and marine paint and body repair shops.

(5) Hospitals, care homes, boardinghouses and lodginghouses.

(6) Research or philanthropic institutions.

(7) Outdoor theaters.

(8) Drive-in or carry-out restaurants.

(9) Commercial parks.

(10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.

(11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.

(12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

(13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(14) Convenience stores.

(15) Research, experimental and testing laboratories.

(16) Landscape services.

(17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.

(18) Automotive towing and storage.

(19) Major retail development provided that it meets the conditions noted in section 60-45(g).

(20) Outpatient addiction treatment clinics.

(21) Adaptive reuse of structures of community significance.

(22) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(23) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

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

Sec. 60-500. Dimensional regulations.

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

(1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

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

Secs. 60-501—60-523. Reserved.

DIVISION 13. MINOT AVENUE (GBII)

Sec. 60-524. Purpose.

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

Sec. 60-525. Use regulation.

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

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Retail bakeries.

(12) Retail laundries and dry cleaners.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Restaurants, dining rooms or lunchrooms.

(18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(19) Animal hospitals and pet shops, but not kennels.

(20) Business equipment repair and business services.

(21) Radio and television studios.

(22) Printing shops, but not publishing plants.

(23) Carwashes.

(24) Accessory uses, buildings and structures.

(25) Greenhouses.

(26) Seasonal outdoor places of amusement.

(27) Churches and temples.

(28) Shelters for abused persons.

(29) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(30) Marijuana cultivation accessory to a licensed retail store on the same property.

(31) Automobile and marine sales lots and sales and service agencies, provided that the vehicle display spaces are limited to not more than 10 spaces per 1,000 square feet of gross building area permanently constructed on the site with maximum of 100 display spaces.

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

(1) Commercial parks.

(2) Automobile repair and service stations.

(3) Hospitals, care homes, boardinghouses and lodginghouses.

(4) Research or philanthropic institutions.

(5) Outdoor theaters.

(6) Drive-in or carry-out restaurants.

(7) Sales, rental and service agencies for farm equipment, trucks and trailers, and construction equipment.

(8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.

(9) Convenience stores.

(10) Research, experimental and testing laboratories.

(11) Landscape services and lawn maintenance services.

(12) Halls, private clubs and lodges.

(13) Outpatient addiction treatment clinics.

(14) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under section 60-525(a) which will occupy an area of 5,000 square feet or more.

(15) Adaptive reuse of structures of community significance.

(16) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(17) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.63B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 33, 34, 3-15-2021; Ord. No. 21-05032021, 5-17-2021; Ord. No. 26-06212021, 7-19-2021)

Sec. 60-526. Dimensional regulations.

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

(1) *Minimum lot width and depth.* No building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021)

Secs. 60-527—60-545. Reserved.

DIVISION 14. FORM BASED CODE[3]

Subdivision I. In General

Sec. 60-546. Purpose.

The purpose of the form based code is to:

(a) Provide a building development pattern that is based upon the built environment's physical form and its relationship to the public realm and the private realm.

(b) Allow for a diversity of uses appropriate and compatible to the designated district area.

(c) Provide a more accelerated building design, review, approval and construction process.

[3]Editor's note(s)—Ord. No. 04-03072016, adopted May 16, 2016, repealed former Div. 14, §§ 60-546—60-549, in its entirety and enacted new provisions as herein set out. Former Div. 14 pertained to the central business district and derived from Ord. of 9-21-2009, §§ 3.69A—3.69D; Ord. of 2-16-2010.

(d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-547. Transects.

Form based code uses transects as a way to describe the areas under the regulating plan. A transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn's transects are organized using five form based code districts, (Transect 4.1, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548. Traditional Main Street Neighborhood (T-4.1)

Illustrative View of T-4.1 (Main Street)

Intent and Purpose:
Traditional Main Street Neighborhood (T-4.1)

The Main Street Neighborhood district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T-4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.

Characteristic Features

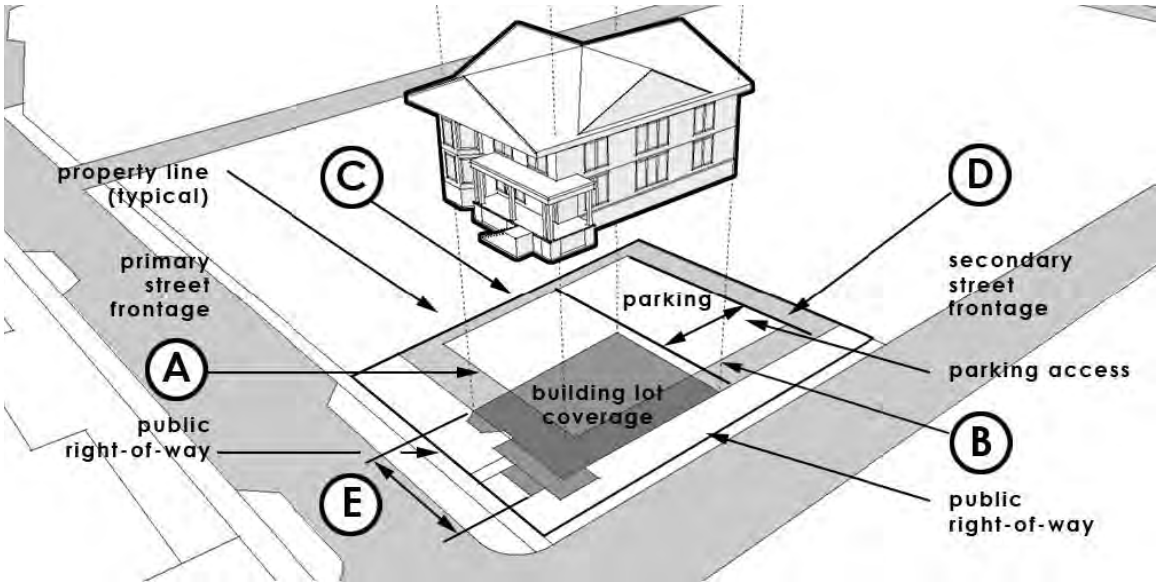
- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density

Examples of Main Street Neighborhood - T-4.1

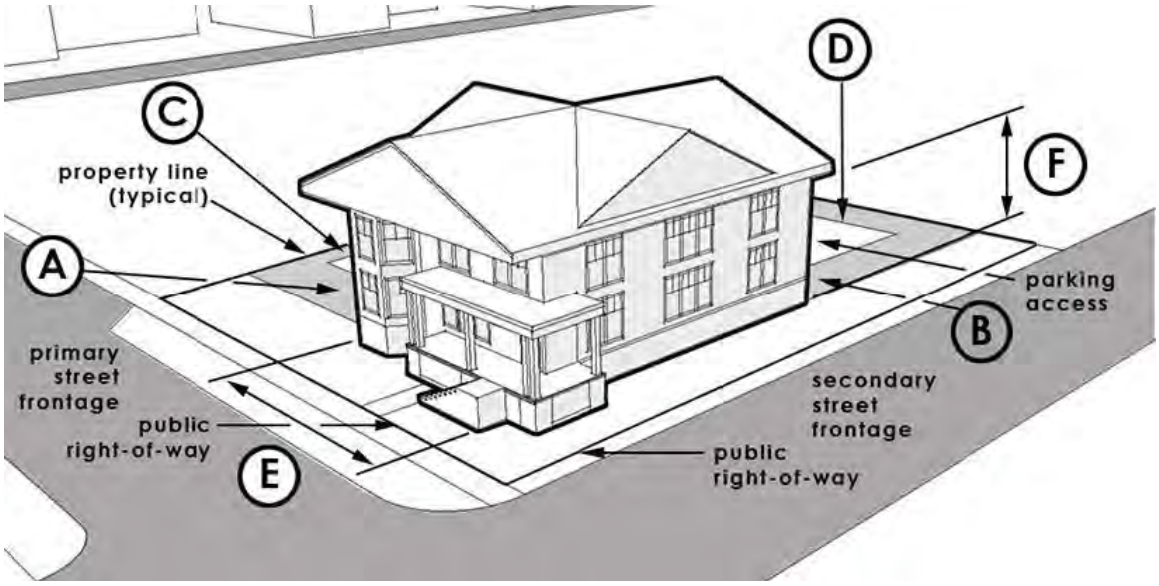
(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.1. Building placement and configuration T-4.1.

Elevated Building Placement



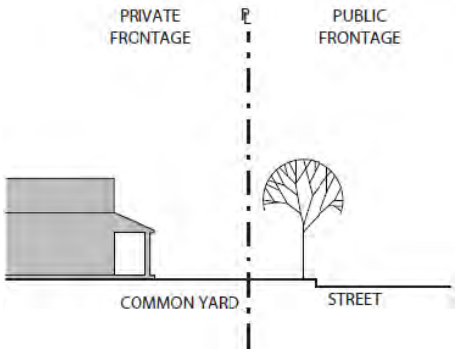
Building Placement on Lot


D
C
property line
(typical)
F
A
parking
access
B
primary
street
frontage
secondary
street
frontage
public
right-of-way
E
public
right-of-way

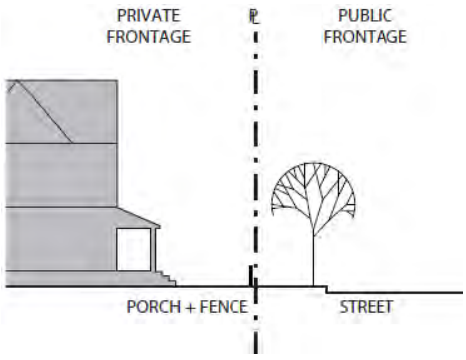
PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	15 ft. Min. 25 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	15 ft. Min., 25 ft. Max	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	60% Max.	
Useable Open Space:	20% Min.	
Frontage Build-Out:	40% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 64 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	2 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.2. Building frontages types T-4.1.



Common Yard



Porch Yard

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard

BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.3. External elements T-4.1.

Front Yard Fence:	A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. Chain link, vinyl, split rail, or barbed wire is not allowed.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum or maximum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 10 ft. maximum. Front Setback, Secondary Frontage 10 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or

	40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 65, 3-15-2021)

Sec. 60.549. Traditional Downtown Neighborhood T-4.2.

Illustrative View of T-4.2 (Spring Street)

Intent and Purpose:
Traditional Downtown Neighborhood (T-4.2)

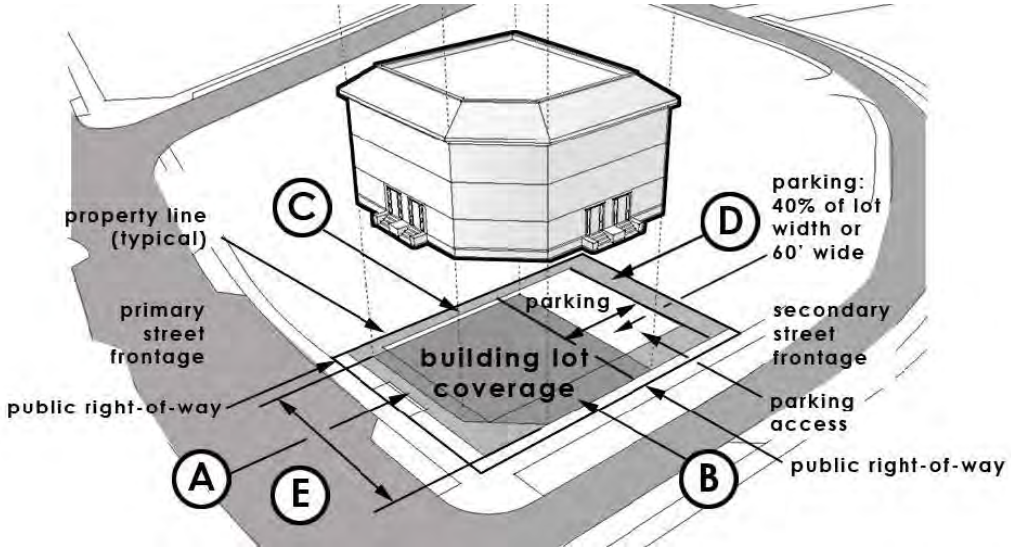
The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

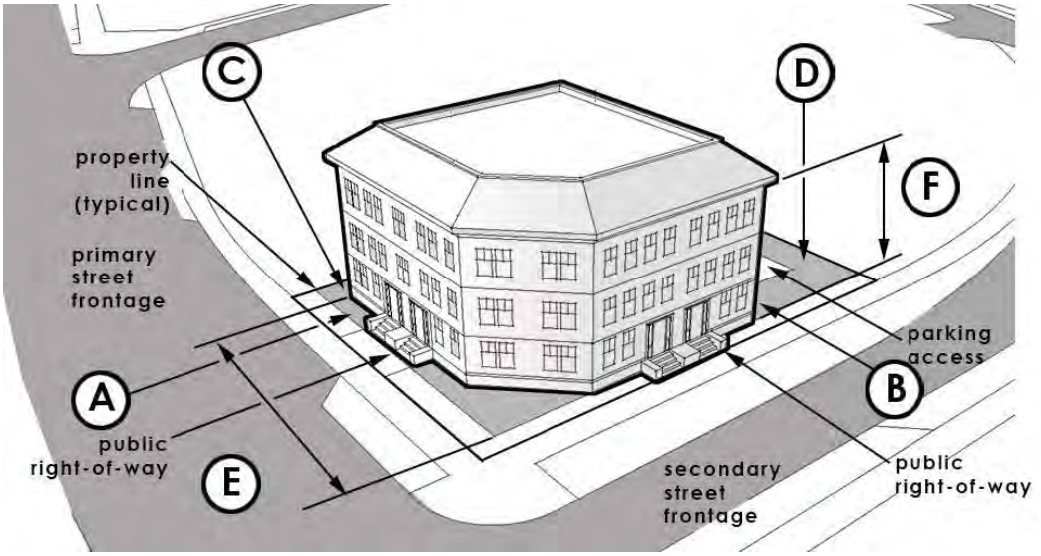
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-549.1. Building placement and configuration T-4.2.



Elevated Building Placement

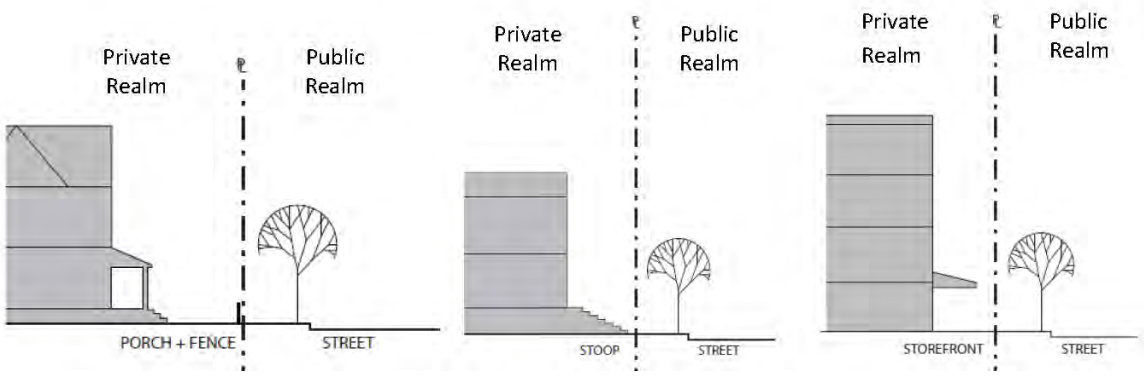


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	5 ft. Min/, 15 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60.549.2. Building frontages T-4.2.



Common or Porch YardStoop Yard FrontageStorefront Type

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard, Stoop and Storefront
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.

Ground Story Finished Floor Elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

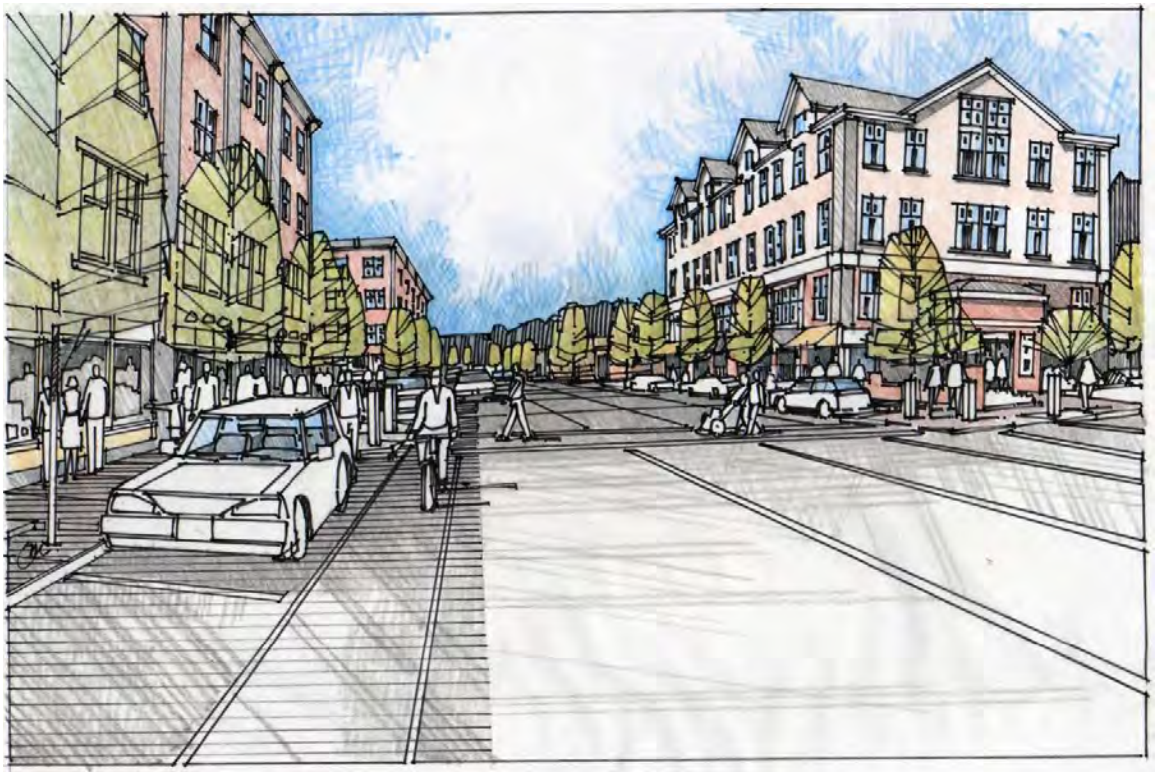
(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 66, 3-15-2021)

Sec. 60-549.3. External elements T-4.2.

Front Yard Fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft. maximum. Front Setback, Secondary Frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550. Downtown Traditional Center T-5.1.



Illustrative View of T-5.1 (Future Great Falls Plaza)

Intent and Purpose:
Downtown Traditional Center (T-5.1)

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.

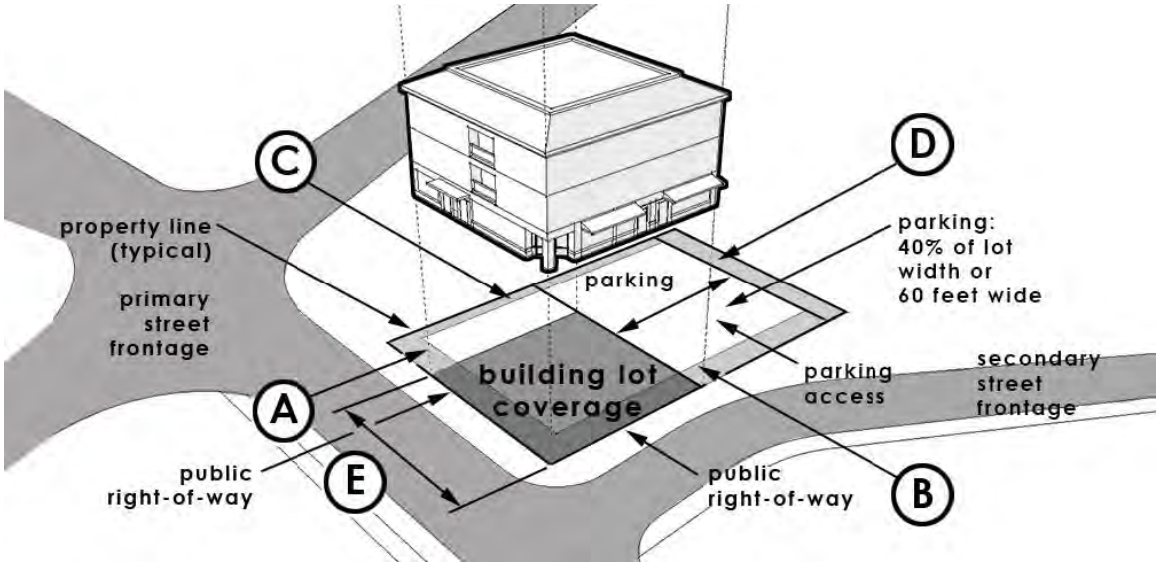
Key Features

- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density

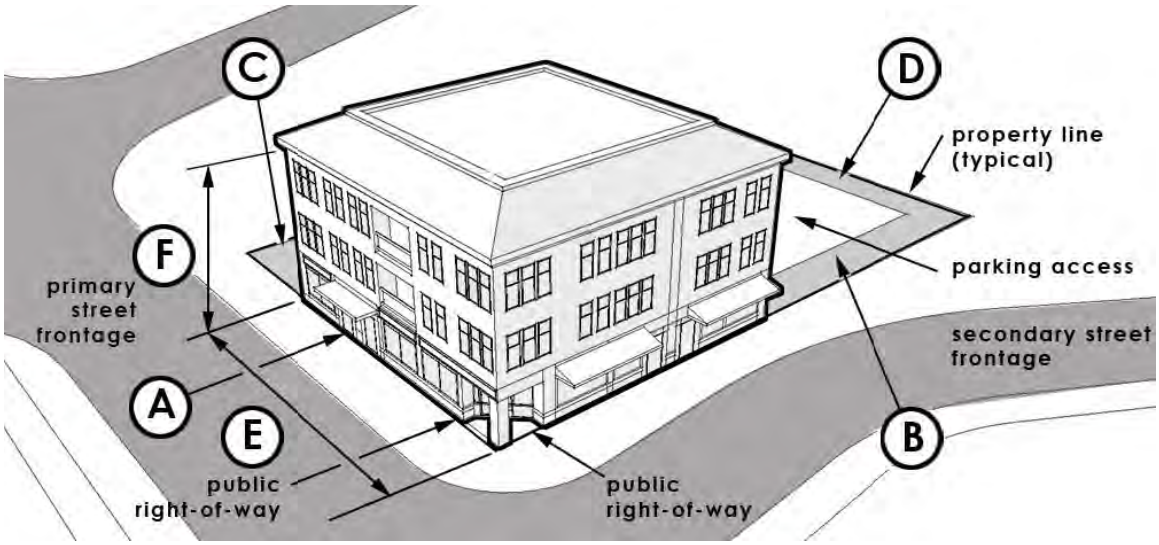
Examples of Downtown Traditional Center T-5.1

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.1. Building placement and configuration T-5.1.



Elevated Building Placement

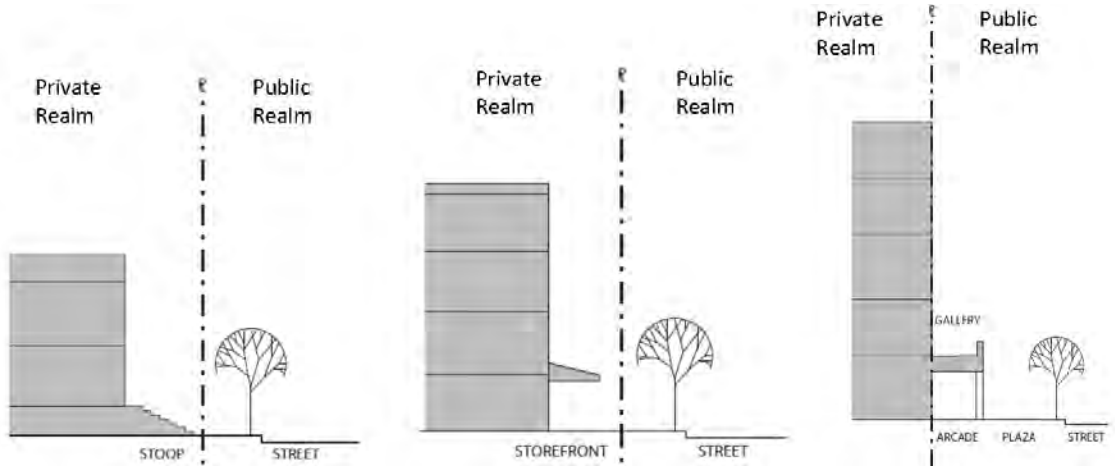


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min., 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min.	(C)
	*Subject to Building Permit Approval	
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	75% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	75% Min. along Front Setback, Primary	
Lot Width:	24 ft. Min, 160 ft.Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 150 ft. Max.	(E)
Building Height Minimum:	2 Story Min. (F)	
Building Height Maximum:	4 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.2. Building frontages T-5.1.



Stoop Frontage YardStorefront FrontageGallery Frontage

BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.

Ground Story Finished Floor Elevation:	The ground story must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.3. External elements T-5.1.

Front Yard Fence: (Residential)	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 67, 3-15-2021)

Sec. 60-551. Downtown City Center T-5.2.

Illustrative View of T-5.2 (Court Street)

Intent and Purpose:
Downtown City Center (T-5.2)

The Downtown City Center district is characterized by medium to large sized buildings in a compact urban environment. This setting will generate social and cultural activity and events, economic stimulation and human interaction. The streets will be important transportation corridors with large sidewalks. The large residential and commercial building widths, frontages and building heights form a solid, compact street wall pattern. The Downtown Center will generate regional economic development activity along with energized social and lifestyle options.

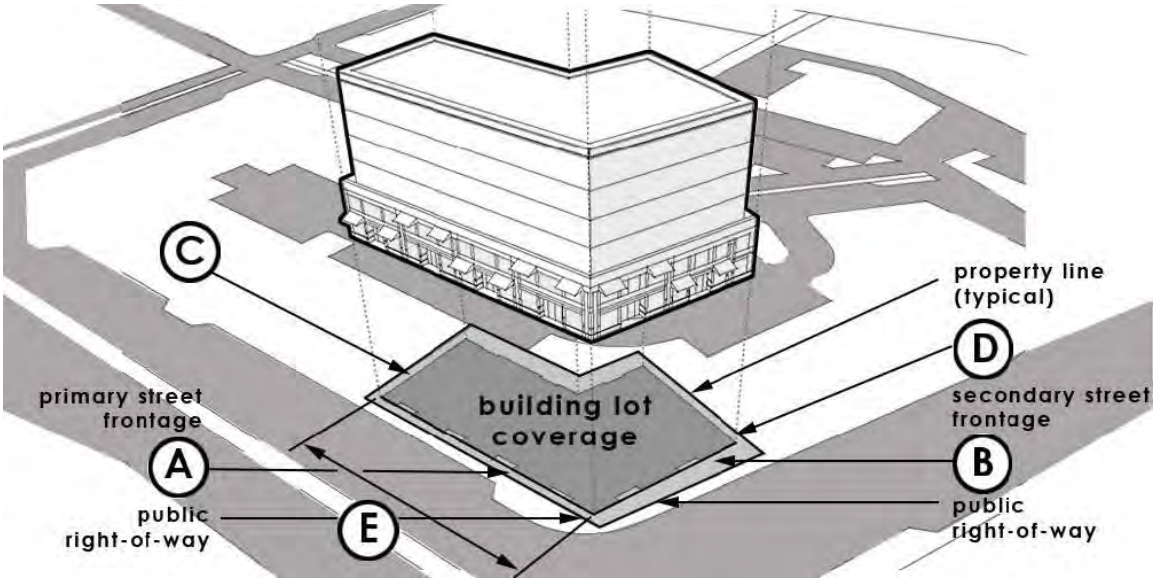
Key Features

- Vibrant street life
- Front facade detailing
- Articulated storefront entrance
- Awnings for storefronts
- Balconies
- Wide sidewalks
- Street Trees
- Compact Urban Environment

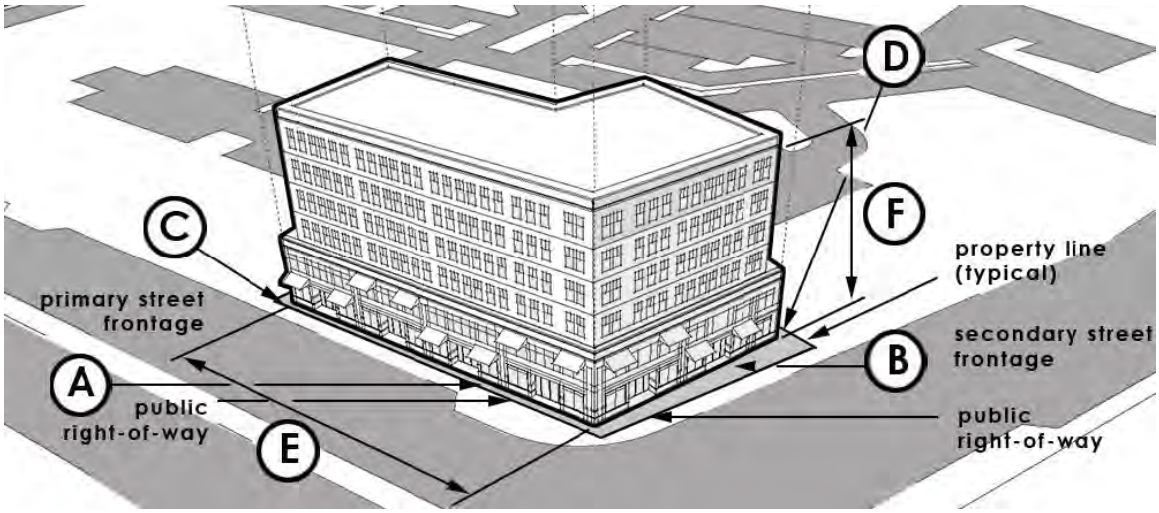
Examples of Downtown City Center - T-5.2

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-551.1. Building placement and configuration T-5.2.



Elevated Building Placement

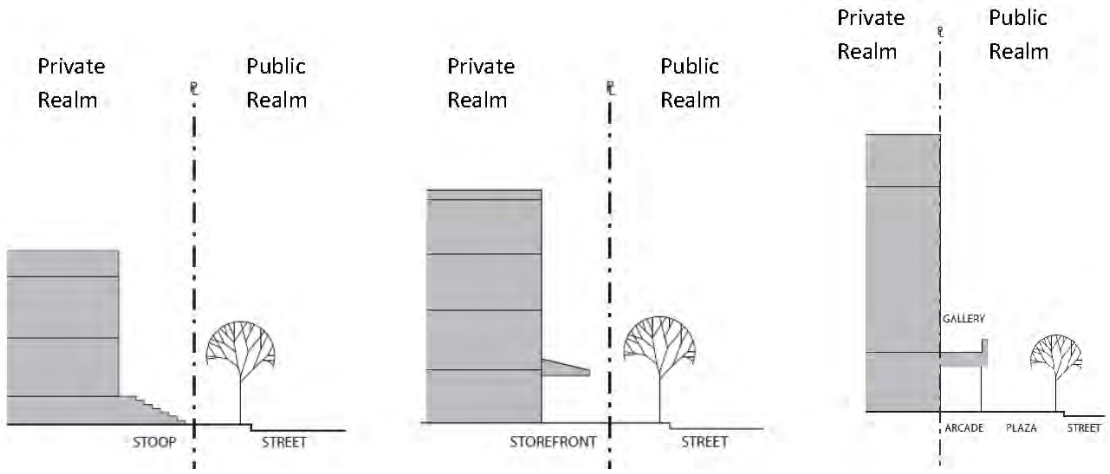


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min. 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min. *Subject to Building Permit Approval	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	80% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	85% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	12 ft. Min., 230 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	6 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-551.2. Building frontages T-5.2.



Stoop Frontage YardStorefront FrontageGallery Frontage

BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Residential: Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage. Storefront: Windows and doors shall comprise a

	minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	Residential: Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. Storefront: Ground story must be a minimum of at the average sidewalk elevation or a maximum of 2 feet above the front yard elevation.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 68, 3-15-2021)

Sec. 60-551.3. External elements T-5.2.

Front Yard Fence: (Residential)	A front yard fence a minimum of 3 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.

Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-552. Great Falls Metropolitan T-6.

Illustrative View of T-6 (Turner Street)

Intent and Purpose:
Great Falls Metropolitan (T-6)

The Great Falls Metropolitan zone is characterized by large buildings up to 8 stories tall that will define the City of Auburn's emerging downtown. A new central square, "Great Falls Square" will provide a downtown focal point and center for professional enterprise and commerce. The Great Falls Metropolitan urban form will generate strong regional socio-economic gravitational pull, attract corporate investment and become a regional destination for visitors, events, entertainment, shopping and social gatherings.

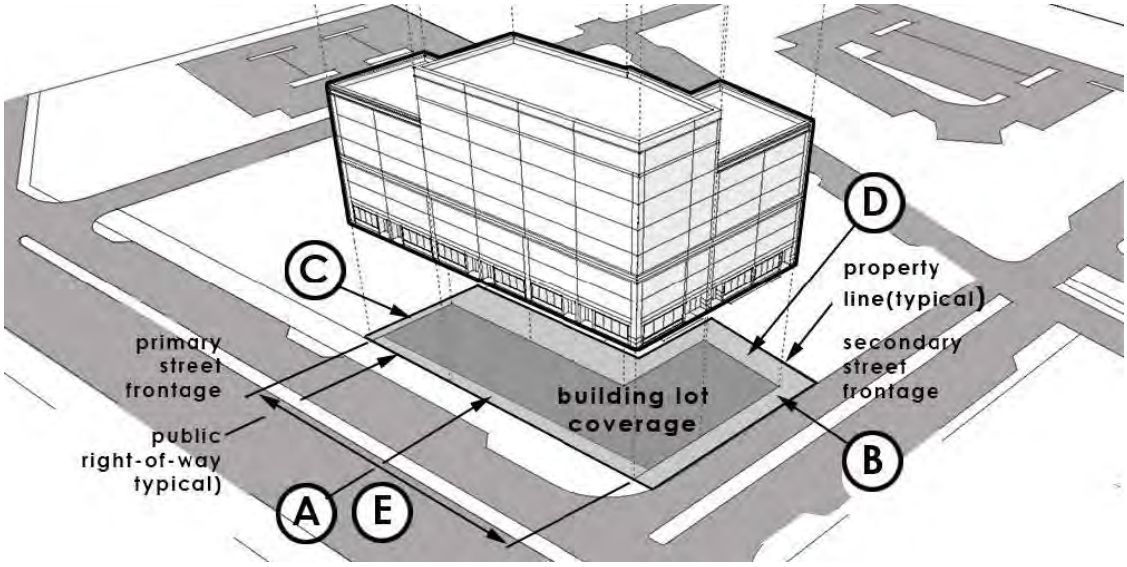
Key Features

- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density

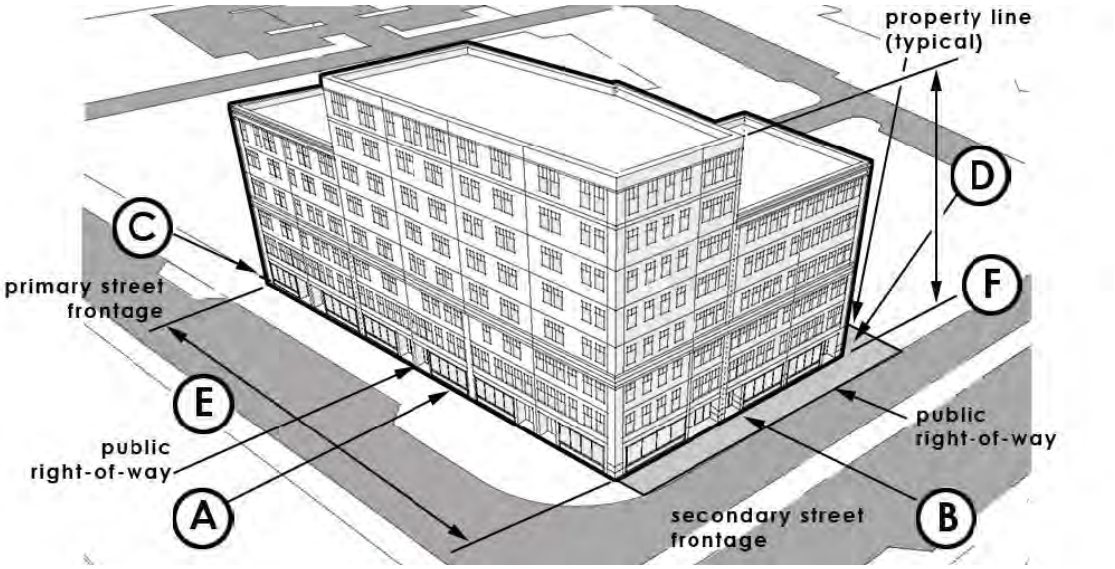
Examples of Great Falls Metropolitan T-6

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 69, 3-15-2021)

Sec. 60-552.1. Building placement and configuration T-6.



Elevated Building Placement

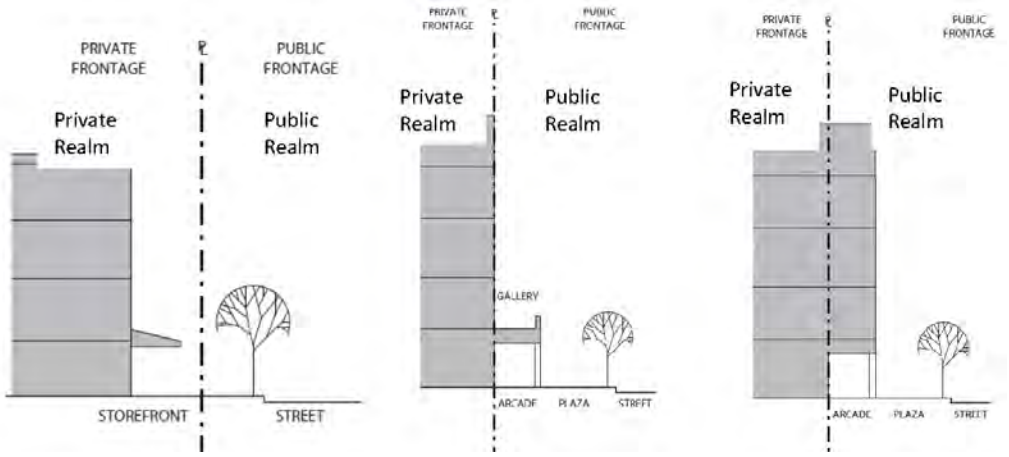


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min., 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min. *Subject to Building Permit Approval	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	90% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	90% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 240 ft. Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min, 230 ft. Max.	(E)
Building Height Minimum:	4 Story Min.	(F)
Building Height Maximum:	8 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-552.2. Building frontages T-6.



Storefront Frontage **Gallery Frontage** Arcade Frontage

BUILDING FRONTAGE TYPES:	Storefront, Gallery and Arcade
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.

Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation	Must be a minimum of the average sidewalk elevation and maximum of 2 feet.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited. Architectural jogs of up to 18 inches in depth are permitted.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 70, 3-15-2021)

Sec. 60-552.3. External elements T-6.

Street Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 18 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-553. Conservation/Open Space C/OS.

The conservation/open space district is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.

(Ord. No. 11-03012021, 3-15-2021; Ord. No. 30-06212021, 7-19-2021)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
Residential Type Use							
Single Family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/ Lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus
							1 sp/employee
Office/Service Type Use							
Professional Offices	S	S	S	P	P	P	None
Medical and Dental Clinics	S	S	S	P	P	P	None
Personal Services	S	S		P	P	P	None
Retail Type Use							
General Retail	S	S	S	P	P	P	None

Age Restricted Retail (3)	S	X	S	S	S	S	None
Specialty Shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, Private Clubs, Indoor Amusement	S	S	S	S	P	P	None
Artist Studios, Performing Art Center	S	S	S	P	P	P	None
Civic							
Church or Places of Worship	S	S	S	P	P	P	None
Government Offices	X	S	X	P	P	P	None
Art Galleries	S	P	P	P	P	P	None
Transportation Facilities	X	X	X	S	S	S	None
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	S	None
Public Safety Services (4)	S	S	S	S	S	S	None
Government Service (4)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities (4)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention Facility (4)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021)

Subdivision II. Form Based Code Administration

Sec. 60-555. Form based code administration.

Form based code relation to zoning ordinance:

(1) The form based code shall regulate areas designated as form based code districts.

(2) All buildings and land uses located within a form based code district shall comply with section 60-33 et seq. (General Provisions) unless specifically stated otherwise in sections 60-546 to 60-558 of the form based code.

(3) Site plan/special exception. Any project located within a form based code district that requires special exception or site plan review shall comply with section 60-45.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-556. Form based code plan types.

(a) *Administrative types.*

(1) *By right.* No permits are required for projects such as normal maintenance or for new structures under 200 square feet.

(2) *Minor administrative.* Projects that require permits and comply with all form based code or zoning regulations, may be approved and permitted by the appropriate city departmental staff and will not require multiple departmental or planning board approval. These projects can be applied for at any time.

(3) *Major administrative.* Projects that do not qualify as a Subdivision. Special exception or site plan review type plans and comply with all form based code or zoning regulations, but due to multiple issues, will require review by the multiple city departmental staff.

(b) *Discretionary type plans.* The following plan types shall require review and action by the planning board.

(1) Subdivisions of three or more lots over a five-year period or a project creating more than three dwelling units. (Subdivision Review).

(2) Any project listed as special exception or "S" in section 60-554, Use and Parking Matrix Chart. (Special Exception and Site Plan Review).

(3) Any project within the form based code district proposing a total of 12,000 square feet of new construction, all floors included. (Special Exception and Site Plan Review).

(4) Any amendment to an existing discretionary plan that increases existing square footage more than 25 percent.

(5) Any project located within the form based code district area that seeks a waiver from the adopted form based code regulating development standards shall submit a complete Special Exception and Site Plan Review application for Planning Board review and action.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-557. Applicability.

(a) Any minor, major administrative type plan and/or discretionary plan, as defined in section 60-556, located within a form based code district, shall be required to submit a development review application prior to any issuance of building permits or development activity.

(b) Any development activity on or within property located with the form based code district shall be reviewed for compliance with applicable form based code or zoning ordinance regulations.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-558. Form based code development application procedure.

(a) *Administrative type plan application process.*

(1) Applicant identifies the subject property's zoning/transect district and determines what plan type the project is.

(2) Applicant reviews the project's compliance for form based code development standards, sections 60-548 through 60-552; including all sections on purpose, building placement and configuration, building frontages, external elements, lot layout, the Parking and Use Matrix Chart and administration; along with any other applicable zoning ordinance Regulations.

(3) Pre-development consultation. All administrative type plan applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the property's form based code or zoning district and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the planning office may result in the delay of acceptance, review and approval of the application.

(4) Any minor or major administrative plan or discretionary plan applicant in a form based code district shall complete and submit a cover letter describing the project, a development review application, a form based code development checklist and the appropriate application fee and number of applications to the planning office.

(5) All form based code applications will be reviewed by the planning staff for completeness and applicant will be notified within five working days if the plan is deemed complete and whether the plan is administrative or discretionary. The applicant is responsible for working with the planning staff to correct any deficiencies needed to be accepted for further review.

(6) Type 2 and 3 administrative plans will be reviewed by the appropriate city departmental staff or other relevant agencies who will recommend approving, disapproving or postponing to allow for time to correct the application. The director of planning will notify the applicant of the decision in writing within 15 calendar days of its receipt of a completed application.

(7) The director of planning shall have the authority to require an administrative plan to be considered by the planning board and notify the applicant the justifications for doing so.

(b) *Discretionary project application process.*

(1) Applicant identifies subject property's zoning/transect and determines what plan type the project is.

(2) Applicant reviews the project's compliance for the applicable form based code development standards sections 60-548 through 60-552; including all sections on purpose, building placement and configuration, building frontages, external elements, lot layout, the Parking and Use Matrix Chart and administration; along with any other applicable zoning ordinance regulations.

(3) Pre-development consultation. All potential development and project applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the form based code or zoning regulations and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the planning office may result in the delay of acceptance, review and approval of the application.

(4) Discretionary plan applicants will submit; a development review application, a form based code development checklist the appropriate application fee and number of applications to the planning office for review and consideration by the planning board according to their normal submission deadline and meeting schedule.

(5) Applications not meeting all the requirements of the form based code may include waiver as per section 60-1312 or variance requests as part of their application.

(c) *Waiver requests.*

(1) Any waiver request of form based code standards and requirements must identify what is regulation is being requested for the waiver and include a narrative explaining how the waiver, if approved, will allow the project to meet the purpose of the form based code and the objective of section 60-1277, site plan review.

(d) *Planning board approval.*

(1) The planning board shall approve, approve with conditions, disapprove or postpone based on its review of the application meeting all existing requirements, conditions, criteria and provisions of special exception, site plan review. Subdivision law and any other relevant procedural requirement of Chapter 60, Zoning, as part of its consideration of a form based code application.

(2) The planning board shall provide findings for approval or disapproval based on the application's meeting the purpose of the form based code.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 41, 3-15-2021)

Secs. 60-559—60-576. Reserved.

DIVISION 15. INDUSTRIAL DISTRICT

Sec. 60-577. Purpose.

This district is intended to provide for those manufacturing, processing, transportation and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. The exclusion of residential and commercial uses is intended to promote the economic welfare of the city by reserving especially suited areas for industry.

(Ord. of 9-21-2009, § 3.71A)

Sec. 60-578. Use regulations.

(a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:

(1) Farming of field crops, row crops, orchards and truck gardens.

(2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.

(3) Farm dwellings on premises actively farmed.

(4) Financial institutions.

(5) Office buildings.

(6) Post offices.

(7) Telephone exchanges or telephone business offices.

(8) Public transportation passenger stations.

(9) Churches or temples.

(10) Municipal uses buildings.

(11) Airports.

(12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.

(13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.

(14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.

(15) Manufacture of ceramic products, brick and cinder blocks.

(16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.

(17) Building material sales yard and contractor's equipment storage yard and plant.

(18) Research, experimental or testing laboratories.

(19) Lumber yard, including planning, milling and other processing.

(20) Ice manufacturing and storage plant.

(21) Beverage bottling plants.

(22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use solar energy generating systems less than one acre in total land area as defined in section 60-1501 in accordance with applicable FAA regulations if within the airport overlay zone.

(23) Accessory uses and buildings, including but not limited to:

a. Retail sales of products manufactured on premises.

b. Dwellings used as living quarters for caretakers or watchmen and their families.

c. Storage boxes or space trailers as defined in subsection 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.

(24) Training schools.

(25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.

(26) Any new or existing building proposed as a complex of three of more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(27) Adult use and medical marijuana cultivation, manufacturing and testing facilities subject to the requirements of chapter 14, article XVIII of this Code.

(28) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of this Code, provided that the store is located on the same parcel of land as a marijuana cultivation facility or marijuana manufacturing facility.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:

(1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.

(2) Automobile filling stations.

(3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.

(4) Restaurants and diners, including drive-in and carry-out restaurants.

(5) Retail food stores.

(6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(7) Motels and hotels.

(8) Automobile scrap yards.

(9) Off-street parking accessory, to a permitted use whether or not located on the same lot.

(10) Outdoor advertising.

(11) Junkyard.

(12) Airplane manufacture or assembly.

(13) Alcohol, methanol, or ethanol manufacture.

(14) Automobile or automotive manufacture or assembly.

(15) Brewery or distillery.

(16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(17) Machinery and machine tool manufacture.

(18) Metal fabrication plant.

(19) Municipal incinerator or sewage treatment plant.

(20) Manufacture of cosmetics, toiletries and pharmaceuticals.

(21) Asphalt batching plant.

(22) Grain processing and storage.

(23) Concrete or cement products manufacture.

(24) Coal distillation and derivation of coal products.

(25) Iron or steel foundry.

(26) Meat products manufacture.

(27) Packinghouse, including meat and poultry canning and curing, processing or freezing.

(28) Plastic and pyroxylin manufacture.

(29) Uses similar to the uses of this section and not elsewhere named in the following subsections.

(30) Accessory uses building and structures, including but not limited to:

a. Retail sales of products manufactured on the premises and products accessory to the industry.

b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.

(31) Hospital.

(32) Automobile and marine sales lots and agencies.

(33) Child day care centers over 5,000 square feet (building area).

(34) Outpatient addiction treatment clinics.

(35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.

(36) Adaptive reuse of structures of community significance.

(37) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501.

(38) Public Safety Service or Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(39) Correctional Institution

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(40) Government Services

(41) Government Offices

(42) Municipal or Public Utilities and Communication Facilities

(Ord. of 9-21-2009, § 3.71B; Ord. 11-09062011-02, 9-6-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 08-05202019, 6-3-2019; Ord. No. 02-02242020, 3-2-2020; Ord. No. 11-03012021, § 35, 3-15-2021)

Sec. 60-579. Dimensional regulations.

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

(1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth.

(2) *Density.* Not more than 40 percent of the total lot area shall be covered by buildings.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or are required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge.

g. *Landscaping.* Landscaping shall be provided and maintained as follows:

1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.

2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building.

3. All lots which abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.

4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet.

5. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement. Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas.

(4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.71C; Ord. No. 11-03012021, § 36, 3-15-2021)

Secs. 60-580—60-606. Reserved.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 02/13/2023 **Order:** 23-002132023

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the IAFFA Local 797 from 07/01/2022 to 06/30/2025

Information: The Collective Bargaining Agreement between the City of Auburn and IAFFA Local 797

The following is a summary of the changes:

- Wages with 4.5%, 5%, and 5.5% COLA
- Added lateral entry provision
- Ambulance assignment incentive increase from $1 to $3.50/hr
- EMS licenses requiring everyone to maintain a license at the EMT B level (minimum)
- Acting Rank increasing from 5 to 7.5%
- Holiday addition of Juneteenth
- Vacation cash out increased from 280 max to 350 hour max
- FPO Holidays added Juneteenth
- Improved operational flexibility by defining "float" positions
- Improved operations by prioritizing Lieutenants working on Engines over working on rescues.
- Formalized language requiring COVID vaccination for EMS providers as required by the State.

City Budgetary Impacts: Budgetary impacts will be reflected in the FY24 budget.

Staff Recommended Action: Staff recommends the City Council vote for passage of this Resolve.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Contract Agreement from 07/01/2022 to 6/30/2025

ORDER 23-02132023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the IAFFA Local 797, effective 07/01/2022 through 06/30/2025.

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

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

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

City of Auburn, Maine
"Maine's City of Opportunity"
Financial Services

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **January 2023 Financial Report**

DATE: **February 7, 2023**

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

The City has completed its seventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 58.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through January 31st, including the school department were $59,947,134 or 56.00%, of the budget. The municipal revenues including property taxes were $40,741,012, or 57.81% of the budget which is less than the same period last year by 1.482%. The accounts listed below are noteworthy.

A. The current year tax revenue is at 57.00% as compared to 57.84% last year. This is a $958,590 increase over last year. The second payment is due March 15th.

B. Excise tax for the month of January is at 63.30%. This is an increase of $194,410 over FY 21. Our excise revenues for FY22 are 0.75% above projections as of January 31, 2023.

C. State Revenue Sharing at the end of January is 83.27% or $3,750,613. This is an increase of $645,995 over last January.

Expenditures

City expenditures through January 2023 were $32,876,464, or 64.07%, of the budget. This is a decrease of 0.02% less than the same period last year. The percentage of expenditures is lower, but dollars are higher due to the higher budget. Noteworthy variances are:

A. Administration is higher than last year by 2.52%. The major increases are Communications & Technology and Human Resources budgets being higher than last year.

B. Public Safety is higher due to both Police and Fire/EMS are higher.

C. Public Works is higher due to Winter Storm operations and overtime.

Investments

This section contains an investment schedule as of January 31st. Currently the City's funds are earning an average interest rate of 2.88% compared to .15% in 2022.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of January 2023, December 2022, and June 2022

	January 31 2023	December 31 2022	Increase (Decrease)	UNAUDITED JUNE 30 2022
ASSETS				
CASH	$ 47,969,455	$ 44,481,861	$ 3,487,594	$ 25,056,314
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	1,178,501	1,235,068	(56,567)	1,461,282
TAXES RECEIVABLE-CURRENT	22,432,654	22,784,200	(351,546)	42,636
DELINQUENT TAXES	459,968	460,022	(54)	395,714
TAX LIENS	666,036	688,153	(22,117)	1,297,627
NET DUE TO/FROM OTHER FUNDS	(15,126,633)	(16,067,392)	940,759	4,391,622
TOTAL ASSETS	**$ 57,579,981**	**$ 53,581,912**	**$ 3,998,069**	**$ 32,645,195**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ 26,389	$ (257,305)	$ 283,694	$ (824,510)
PAYROLL LIABILITIES	(1,863,031)	(1,354,924)	(508,107)	2,948,844
ACCRUED PAYROLL	-	4,861,578	(4,861,578)	(263,746)
STATE FEES PAYABLE	(69,573)	(98,075)	28,502	(183)
ESCROWED AMOUNTS	(41,999)	(41,981)	(18)	(40,426)
DEFERRED REVENUE	(23,406,804)	(23,780,520)	373,716	(1,585,602)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (25,355,018)**	**$ (20,671,227)**	**$ (4,683,791)**	**$ 234,377**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (29,226,147)	$ (29,911,869)	$ 685,722	$ (29,880,756)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (32,224,963)**	**$ (32,910,685)**	**$ 685,722**	**$ (32,879,572)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (57,579,981)**	**$ (53,581,912)**	**$ (3,998,069)**	**$ (32,645,195)**

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

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU JAN 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU JAN 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 52,463,320	$ 29,903,956	57.00%	$ 50,042,450	$ 28,945,366	57.84%	$ 958,590
PRIOR YEAR TAX REVENUE	$ -	$ 619,262		$ -	$ 475,800		$ 143,462
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,322,921	74.74%	$ 1,650,000	$ 1,290,048	78.18%	$ 32,873
EXCISE	$ 4,435,000	$ 2,807,300	63.30%	$ 4,425,000	$ 2,612,890	59.05%	$ 194,410
PENALTIES & INTEREST	$ 120,000	$ 45,616	38.01%	$ 120,000	$ 62,130	51.78%	$ (16,514)
TOTAL TAXES	$ 58,788,320	$ 34,699,054	59.02%	$ 56,237,450	$ 33,386,234	59.37%	$ 1,312,820
LICENSES AND PERMITS							
BUSINESS	$ 190,000	$ 188,977	99.46%	$ 166,000	$ 173,417	104.47%	$ 15,560
NON-BUSINESS	$ 195,250	$ 187,879	96.22%	$ 300,200	$ 214,588	71.48%	$ (26,709)
TOTAL LICENSES	$ 385,250	$ 376,856	97.82%	$ 466,200	$ 388,005	83.23%	$ (11,149)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ 419,744	104.94%	$ 390,000	$ 421,592	108.10%	$ (1,848)
STATE REVENUE SHARING	$ 4,504,100	$ 3,750,613	83.27%	$ 3,150,000	$ 3,104,618	98.56%	$ 645,995
WELFARE REIMBURSEMENT	$ 83,912	$ 46,863	55.85%	$ 90,656	$ 25,852	28.52%	$ 21,011
OTHER STATE AID	$ 32,000	$ -	0.00%	$ 32,000	$ 15,763	49.26%	$ (15,763)
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 228,384	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 5,202,012	$ 4,217,220	81.07%	$ 3,891,040	$ 3,567,825	91.69%	$ 649,394
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 361,400	$ 79,388	21.97%	$ 184,400	$ 105,324	57.12%	$ (25,936)
PUBLIC SAFETY	$ 30,800	$ 66,824	216.96%	$ 176,600	$ 82,574	46.76%	$ (15,751)
EMS TRANSPORT	$ 1,350,000	$ 887,136	65.71%	$ 1,250,000	$ 841,078	67.29%	$ 46,058
TOTAL CHARGE FOR SERVICES	$ 1,742,200	$ 1,033,347	59.31%	$ 1,611,000	$ 1,028,976	63.87%	$ 4,371
FINES							
PARKING TICKETS & MISC FINES	$ 28,000	$ 13,359	47.71%	$ 41,500	$ 25,750	62.05%	$ (12,391)
MISCELLANEOUS							
INVESTMENT INCOME	$ 30,000	$ 40,932	136.44%	$ 40,000	$ 13,268	33.17%	$ 27,664
RENTS	$ 75,000	$ 5,909	7.88%	$ 125,000	$ 7,839	6.27%	$ (1,930)
UNCLASSIFIED	$ 20,000	$ 140,738	703.69%	$ 20,000	$ 25,150	125.75%	$ 115,588
COMMERCIAL SOLID WASTE FEES	$ -	$ 39,377		$ -	$ 37,877		$ 1,500
SALE OF PROPERTY	$ 100,000	$ 1,156	1.16%	$ 120,000	$ 2,936	2.45%	$ (1,780)
MMWAC HOST FEES	$ 240,000	$ 135,398	56.42%	$ 234,000	$ 135,398	57.86%	$ 0
TRANSFER IN: TIF	$ 1,140,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 619,000	$ -	0.00%	$ 473,925	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		$ 35,145					
CDBG	$ 588,154	$ -	0.00%	$ 252,799	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ 2,521	12.61%	$ 20,000	$ 9,634	48.17%	$ (7,113)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 475,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,332,154	$ 401,176	9.26%	$ 2,900,724	$ 232,102	8.00%	$ 133,929
TOTAL GENERAL FUND REVENUES	**$ 70,477,936**	**$ 40,741,012**	57.81%	**$ 65,147,914**	**$ 38,628,893**	59.29%	**$ 2,076,975**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 34,826,024	$ 18,952,206	54.42%	$ 28,900,061	$ 17,894,242	61.92%	$ 1,057,964
EDUCATION	$ 489,465	$ 236,193	48.26%	$ 518,821	$ 471,335	90.85%	$ (235,142)
SCHOOL FUND BALANCE CONTRIBUTION	$ 1,251,726	$ 17,723	1.42%	$ 879,404	$ 14,232	1.62%	$ 3,491
TOTAL SCHOOL	$ 36,567,215	$ 19,206,121	52.52%	$ 30,298,286	$ 18,379,809	60.66%	$ 826,312
GRAND TOTAL REVENUES	**$ 107,045,151**	**$ 59,947,134**	**56.00%**	**$ 91,735,175**	**$ 57,008,702**	**62.14%**	**$ 2,903,287**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH january 31, 2023 VS January 31, 2022

DEPARTMENT	FY 2023 BUDGET	EXP THRU JAN 2023	% OF BUDGET	FY 2022 BUDGET	EXP THRU JAN 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 170,500	$ 80,525	47.23%	$ 104,850	$ 80,660	76.93%	$ (135)
CITY MANAGER	$ 510,978	$ 259,880	50.86%	$ 447,401	$ 320,034	71.53%	$ (60,154)
COMMUNICATIONS & ENGAGEMENT	$ 218,746	$ 96,564	44.14%	$ 911,637	$ 643,028	70.54%	$ (546,464)
CITY CLERK	$ 257,506	$ 157,832	61.29%	$ 237,474	$ 135,130	56.90%	$ 22,702
FINANCIAL SERVICES	$ 1,138,802	$ 731,362	64.22%	$ 810,303	$ 440,050	54.31%	$ 291,312
HUMAN RESOURCES	$ 222,099	$ 120,625	54.31%	$ 220,250	$ 117,957	53.56%	$ 2,668
INFORMATION TECHNOLOGY	$ 827,000	$ 532,792	64.42%		$ -		$ 532,792
TOTAL ADMINISTRATION	$ 3,345,631	$ 1,979,580	59.17%	$ 2,731,915	$ 1,736,859	63.58%	$ 242,721
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 666,629	$ 421,510	63.23%	$ 900,583	$ 449,636	49.93%	$ (28,126)
ECONOMIC DEVELOPMENT	$ 286,598	$ 173,295	60.47%	$ 108,469	$ 59,978	55.30%	$ 113,317
BUSINESS & COMMUNITY DEVELOPMENT	$ 671,411	$ 160,600	23.92%	$ 512,260	$ 160,303	31.29%	$ 297
HEALTH & SOCIAL SERVICES	$ 119,875	$ 94,055	78.46%	$ 119,875	$ 55,598	46.38%	$ 38,457
RECREATION & SPORTS TOURISM	$ 762,440	$ 371,453	48.72%	$ 584,056	$ 335,439	57.43%	$ 36,014
PUBLIC LIBRARY	$ 1,084,437	$ 632,590	58.33%	$ 1,052,163	$ 613,762	58.33%	$ 18,828
TOTAL COMMUNITY SERVICES	$ 3,591,390	$ 1,853,503	51.61%	$ 3,277,406	$ 1,674,716	51.10%	$ 178,787
FISCAL SERVICES							
DEBT SERVICE	$ 8,361,254	$ 7,549,963	90.30%	$ 7,734,169	$ 6,955,516	89.93%	$ 594,447
CAPITAL INVESTMENT & PURCHASING	$ 672,473	$ 352,192	52.37%	$ 677,872	$ 457,614	67.51%	$ (105,422)
WORKERS COMPENSATION	$ 698,000	$ 698,000	100.00%	$ 642,400	$ 642,400	100.00%	$ 55,600
WAGES & BENEFITS	$ 7,876,393	$ 3,852,184	48.91%	$ 7,334,932	$ 3,752,241	51.16%	$ 99,943
EMERGENCY RESERVE (10108062-670000)	$ 461,230	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,069,350	$ 12,452,339	68.91%	$ 16,850,603	$ 11,807,771	70.07%	$ 644,568
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 5,693,284	$ 3,293,361	57.85%	$ 5,446,588	$ 3,352,479	61.55%	$ (59,118)
POLICE DEPARTMENT	$ 4,945,034	$ 2,791,688	56.45%	$ 4,343,924	$ 2,520,162	58.02%	$ 271,526
TOTAL PUBLIC SAFETY	$ 10,638,318	$ 6,085,049	57.20%	$ 9,790,512	$ 5,872,641	59.98%	$ 212,408
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 5,600,109	$ 2,895,095	51.70%	$ 5,077,370	$ 2,739,695	53.96%	$ 155,400
SOLID WASTE DISPOSAL*	$ 1,320,000	$ 645,566	48.91%	$ 1,089,950	$ 497,355	45.63%	$ 148,211
WATER AND SEWER	$ 792,716	$ 585,902	73.91%	$ 792,716	$ 585,902	73.91%	$ -
TOTAL PUBLIC WORKS	$ 7,712,825	$ 4,126,563	53.50%	$ 6,960,036	$ 3,822,952	54.93%	$ 303,611
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 203,337	99.19%	$ 177,000	$ 176,115	99.50%	$ 27,222
E911 COMMUNICATION CENTER	$ 1,217,713	$ 913,285	75.00%	$ 1,161,479	$ 870,941	74.99%	$ 42,344
LATC-PUBLIC TRANSIT	$ 431,811	$ -	0.00%	$ 225,000	$ -	0.00%	$ -
LA ARTS	$ 30,000	$ 22,500		$ 10,000	$ 10,000		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,144,524	$ 1,139,122	53.12%	$ 1,833,479	$ 1,057,056	57.65%	$ 82,066
COUNTY TAX	$ 2,761,220	$ 2,761,220	100.00%	$ 2,611,080	$ 2,611,080	100.00%	$ 150,140
TIF (10108058-580000)	$ 3,049,803	$ 2,479,088	81.29%	$ 3,049,803	$ 2,867,365	94.02%	$ (388,277)
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 51,313,061**	**$ 32,876,464**	**64.07%**	**$ 47,104,834**	**$ 31,450,440**	**66.77%**	**$ 1,426,024**
EDUCATION DEPARTMENT	$ 55,732,090	$ 18,654,687	33.47%	$ 48,341,366	$ 18,361,000	37.98%	$ 293,687
TOTAL GENERAL FUND EXPENDITURES	**$ 107,045,151**	**$ 51,531,151**	**48.14%**	**$ 95,446,200**	**$ 49,811,440**	**52.19%**	**$ 1,719,711**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF January 31, 2023

INVESTMENT		FUND	BALANCE January 31, 2023	BALANCE December 31, 2022	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 11,161,108.84	$ 11,152,077.10	**0.80%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,054,180.39	$ 1,053,327.40	**0.80%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 17,467,617.45	$ 11,454,665.75	**0.80%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 52,773.27	$ 52,730.58	**0.80%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 341,215.28	$ 340,939.18	**0.80%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 227,831.35	$ 227,647.01	**0.80%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 468,597.98	$ 468,231.00	**0.80%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 952,286.19	$ 952,071.29	**0.80%**
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	$ 15,439.03	$ 15,426.95	**0.80%**
NOMURA 2		ELHS Bond Proceeds	$ 47,504,562.00	$ 47,504,562.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ -	**4.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ -	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ -	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ -	**5.00%**
GRAND TOTAL			**$ 82,245,611.78**	**$ 75,221,678.26**	**2.88%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2022 - June 30, 2023
Report as of January 31, 2023

	Beginning Balance 1/1/2023	January 2023					Ending Balance 1/31/2023
		New Charges	Payments	Refunds	Adjustments	Write-Offs	
Bluecross	**$ 5,888.59**	$ 13,907.00	$ (4,229.39)		$ (5,727.04)		**$ 9,839.16**
Intercept	**$ 600.00**	$ 200.00	$ (400.00)		$ -		**$ 400.00**
Medicare	**$ 151,958.94**	$ 216,896.50	$ (52,858.32)		$ (95,304.76)		**$ 220,692.36**
Medicaid	**$ 72,336.40**	$ 65,923.00	$ (48,500.12)		$ (38,135.52)		**$ 51,623.76**
Other/Commercial	**$ 72,033.24**	$ 26,081.55	$ (18,393.79)	$ 845.71	$ (543.35)		**$ 80,023.36**
Patient	**$ 138,301.45**	$ 19,665.00	$ (10,851.89)		$ (2,066.60)	$ (23,459.90)	**$ 121,588.06**
Worker's Comp	**$ -**	$ 1,974.60	$ (846.80)		$ -		**$ 1,127.80**
TOTAL	**$ 441,118.62**	**$ 344,647.65**	**$ (136,080.31)**	**$ 845.71**	**$ (141,777.27)**	**$ (23,459.90)**	**$ 485,294.50**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2022 - June 30, 2023
Report as of January 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Totals	% of Total
Bluecross	$ 2,477.35	$ 13,307.40	$ 13,596.80	$ 13,635.40	$ 10,192.40	$ 11,633.60	$ 13,907.00	$ 78,749.95	3.72%
Intercept	$ 100.00	$ -	$ 100.00	$ 200.00	$ 200.00	$ 300.00	$ 200.00	$ 1,100.00	0.05%
Medicare	$ 155,398.20	$ 205,712.40	$ 155,567.20	$ 163,526.80	$ 154,190.50	$ 190,431.40	$ 216,896.50	$ 1,241,723.00	58.68%
Medicaid	$ 61,000.80	$ 82,386.60	$ 63,625.60	$ 50,457.40	$ 68,679.75	$ 51,541.80	$ 65,923.00	$ 443,614.95	20.96%
Other/Commercial	$ 38,520.45	$ 50,549.60	$ 28,756.00	$ 21,232.20	$ 18,577.60	$ 28,491.40	$ 26,074.30	$ 212,201.55	10.03%
Patient	$ 8,120.20	$ 12,558.80	$ 18,008.60	$ 32,205.60	$ 18,078.20	$ 18,295.40	$ 19,672.25	$ 126,939.05	6.00%
Worker's Comp	$ 1,803.40	$ 3,664.60	$ -	$ 827.00	$ 1,805.20	$ 1,720.60	$ 1,974.60	$ 11,795.40	0.56%
TOTAL	$ 267,420.40	$ 368,179.40	$ 279,654.20	$ 282,084.40	$ 271,723.65	$ 302,414.20	$ 344,647.65	$ 2,116,123.90	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2022 - June 30, 2023
Report as of January 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Totals	% of Total
Bluecross	3	13	14	14	11	12	14	81	3.48%
Intercept	1	0	1	2	2	3	2	11	0.47%
Medicare	170	231	170	180	170	205	237	1363	58.62%
Medicaid	65	88	69	55	77	57	75	486	20.90%
Other/Commercial	43	54	30	23	21	33	32	236	10.15%
Patient	10	13	19	34	20	18	21	135	5.81%
Worker's Comp	2	4		1	2	2	2	13	0.56%
TOTAL	294	403	303	309	303	330	383	2325	100.00%

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

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1928 Vending	1929 Fire Prevention	1931 Donations	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2010 State Drug Money	2011 PD Capital Reserve	2013 OUI Grant	2014 Speed Grant	2016 Pedestrian Safety
Fund Balance 7/1/22	$ 517,052.67	$ 6,919.98	$ 34,914.39	$ 1,421.68	$ 3,039.35	$ -	$ 4,796.03	$ 169.19	$ 2,808.57	$ 79,868.61	$ (153,799.68)	$ 4,289.65	$ 23,595.00	$ 4,356.29	$ 5,520.52	$ 409.11
Revenues FY23	$ 47,845.29	$ 981.00	$ 1,247.29		$ 3,795.00	$ 100.00				$ 200,100.00	$ 101,027.87	$ 45.00	$ 7,410.00		$ 3,818.51	$ 1,053.34
Expenditures FY23	$ 145,743.00	$ 950.00	$ 386.10		$ 2,055.72	$ 613.69		$ 382.50		$ 359,133.77	$ 21,960.71	$ 1,867.53	$ -		$ 3,414.26	$ 917.14
Fund Balance 1/31/2023	**$ 419,154.96**	**$ 6,950.98**	**$ 35,775.58**	**$ 1,421.68**	**$ 4,778.63**	**$ (513.69)**	**$ 4,796.03**	**$ (213.31)**	**$ 2,808.57**	**$ (79,165.16)**	**$ (74,732.52)**	**$ 2,467.12**	**$ 31,005.00**	**$ 4,356.29**	**$ 5,924.77**	**$ 545.31**

	2018 Nat Opioid Settlement	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2050 Project Lifesaver	2051 Project Canopy
Fund Balance 7/1/22	$ -	$ (8,205.29)	$ 1,069,816.45	$ 30,822.46	$ -	$ 46,171.40	$ 2,560.00	$ 8,281.24	$ 20,536.23	$ 22,850.45	$ (930.00)	$ 92,332.26	$ (1,695.00)	$ -	$ 189.35	$ (9,519.48)
Revenues FY23	$ 211,035.72		$ 542,694.24	$ 119.34	$ 31,165.02	$ 85,419.50		$ 2,288.40		$ 3,360.73	$ 930.00	$ 15,066.91		$ 12,000.00		$ 7,996.88
Expenditures FY23			$ 696,955.30	$ 137.00		$ 98,039.08		$ 4,122.14		$ 2,676.60		$ 3,407.21	$ 49,569.53	$ 9,786.95		
Fund Balance 1/31/2023	**$ 211,035.72**	**$ (8,205.29)**	**$ 915,555.39**	**$ 30,804.80**	**$ 31,165.02**	**$ 33,551.82**	**$ 2,560.00**	**$ 6,447.50**	**$ 20,536.23**	**$ 23,534.58**	**$ -**	**$ 103,991.96**	**$ (51,264.53)**	**$ 2,213.05**	**$ 189.35**	**$ (1,522.60)**

	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME-PAL	2059 Distracted Driving	2067 Hometown Heros Banners	2068 Northern Borders Grant	2070 Leadercast	2077 CTCI Gramt	2080 Futsol Court Project	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	6200 Ingersoll Turf
Fund Balance 7/1/22	$ 21,359.27	$ 170,048.62	$ 4,911.03	$ 898.69	$ 209.00	$ 178,046.71	$ (3,500.00)	$ 1,719.02	$ 25,353.61	$ 12,716,078.13	$ (1,443.69)	$ 10,000.00	$ 232,365.87	
Revenues FY23	$ (159.19)	$ 175,945.18		$ 508.14						$ 35,627.13	$ 6,829.89		$ 237,010.96	
Expenditures FY23				$ 604.26				$ 481.25		$ 898,719.24	$ 10,943.04		$ 334,051.10	
Fund Balance 1/31/2023	**$ 21,200.08**	**$ 345,993.80**	**$ 4,911.03**	**$ 802.57**	**$ 209.00**	**$ 178,046.71**	**$ (3,500.00)**	**$ 1,237.77**	**$ 25,353.61**	**$ 11,852,986.02**	**$ (5,556.84)**	**$ 10,000.00**	**$ 135,325.73**	**$ -**

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues
Fund Balance 7/1/22	**$ 78,950.70**	**$ 806,274.01**	**$ 237,684.12**	**$ (519,427.49)**	**$ 455,494.65**	**$ (900,465.25)**	**$ (0.03)**	**$ (2,663.69)**	$ 1,120.91	$ 50,241.31	$ 84,060.95	$ 33,113.81	$ 13,914.35	$ (102,204.06)	$ -	$ 15,400,711.98
Revenues FY23	$ 190,974.78		$ 865,341.00	$ 157,316.00	$ 294,264.43	$ 448,773.33	$ 48,589.45	$ 30,616.50	$ 56,495.08	$ 48,218.63	$ 96,002.45	$ 113,293.40	$ 35,248.40	$ 34,426.44	$ 59,527.65	$ 4,214,349.69
Expenditures FY23			$ 307,083.16	$ 244,200.00	$ 69,152.14	$ 105,461.73	$ 14,576.84		$ 28,247.54	$ 12,054.66	$ 24,000.61	$ 136,134.34	$ 17,624.20	$ 6,034.48		$ 3,611,486.82
Fund Balance 1/31/2023	**$ 269,925.48**	**$ 806,274.01**	**$ 795,941.96**	**$ (606,311.49)**	**$ 680,606.94**	**$ (557,153.65)**	**$ 34,012.58**	**$ 27,952.81**	**$ 29,368.45**	**$ 86,405.28**	**$ 156,062.79**	**$ 10,272.87**	**$ 31,538.55**	**$ (73,812.10)**	**$ 59,527.65**	$ 16,003,574.85

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

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

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

INGERSOLL TURF FACILITY

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

Current Assets:
As of the end of January 2023 the total current assets of Ingersoll Turf Facility were $282,957. This consisted of cash and cash equivalents of $227647 and due from other funds $55,310.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of January 31, 2023, were $61,779.

Liabilities:
Ingersoll had no liabilities as of January 31, 2023.

Statement of Activities:

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

The operating revenues for Ingersoll Turf Facility through January 2023 are $103,649. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through January 2023 were $22,427. These expenses include supplies, repairs, capital purchases and maintenance.

As of January 2023, Ingersoll has an operating gain of $81,222 compared to a net gain in December of $55,522.

As of January 31, 2023, Ingersoll has a increase in net assets of $81,222.

The budget to actual reports for revenue and expenditures, show that the revenue for FY23 compared to FY 22.

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

		January 31, 2023	December 31, 2022	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 227,647	$ 227,492	$ 155
Interfund receivables/payables		$ 55,310	$ 29,870	25,440
Accounts receivable		-	-	-
	Total current assets	282,957	257,362	25,595
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(748,757)	(748,757)	-
	Total noncurrent assets	61,779	61,779	-
	Total assets	344,736	319,141	25,595
LIABILITIES				
Accounts payable		$ -	$ 105	(105)
Interfund payable		$ -	$ -	-
Total liabilities		-	105	(105)
NET ASSETS				
Invested in capital assets		$ 61,779	$ 61,779	$ -
Unrestricted		$ 282,957	$ 257,257	$ 25,700
Total net assets		**$ 344,736**	**$ 319,036**	**$ 25,700**

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

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 103,649
Operating expenses:	
Personnel	172
Supplies	8,119
Utilities	
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	14,136
Other expenses	-
Total operating expenses	22,427
Operating gain (loss)	81,222
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	81,222
Transfers out	-
Change in net assets	81,222
Total net assets, July 1	263,514
Total net assets, january 31, 2023	**$ 344,736**

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

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU JAN 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU JAN 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 2,000		$ 25,000	$ 5,775	23.10%
Batting Cages		$ 8,185		$ 16,000	$ 11,091	69.32%
Programs		$ 26,269		$ 94,000	$ 30,941	32.92%
Rental Income		$ 67,195		$ 138,000	$ 59,853	43.37%
TOTAL CHARGE FOR SERVICES	$ -	$ 103,649		$ 273,000	$ 107,660	39.44%
INTEREST ON INVESTMENTS	$ -			$ -	$ 353	
GRAND TOTAL REVENUES	**$ -**	**$ 103,649**		**$ 273,000**	**$ 108,013**	**39.57%**

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

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU JAN 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU JAN 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			$ 133,041	$ 58,751	44.16%	$ (58,751)
Purchased Services		$ 172		$ 15,750	$ 2,522	16.01%	$ (2,350)
Programs		$ 8,119		$ 16,300	$ -	0.00%	$ 8,119
Supplies				$ 2,500	$ 8,832	353.28%	$ (8,832)
Utilities				$ 24,150	$ 9,680	40.08%	$ (9,680)
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 14,136		$ -	$ 5,400		$ 8,736
	$ -	$ 22,427		$ 191,741	$ 85,185	44.43%	$ (62,758)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 22,427**		**$ 191,741**	**$ 85,185**	**44.43%**	**$ (62,758)**

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

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

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

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, December 31, 2022.

Current Assets:
As of the end of January 2023 the total current assets of Norway Savings Bank Arena were ($1,240,363). These consisted of cash and cash equivalents of $281,162, accounts receivable of $176,845, and an interfund payable of $1,698,370.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of January 31, 2023, was $147,691.

Liabilities:
Norway Arena had no accounts payable as of January 31, 2023.

Statement of Activities:

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

The operating revenues for Norway Arena through January 2023 are $588,845. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through January 2023 were $445,667. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of January 2023, Norway Arena had an operating gain of $143,178.

As of January 31, 2023 Norway Arena has an increase in net assets of $143,178.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $18,119 less than in FY22 and expenditures in FY23 are $106,602 more than last year in December.

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

		January 31 2023	December 31 2022	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 281,162	$ 281,162	$ -
Interfund receivables		$ (1,698,370)	$ (1,730,236)	$ 31,866
Prepaid Rent				$ -
Accounts receivable		176,845	133,331	$ 43,514
	Total current assets	(1,240,363)	(1,315,743)	75,380
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		514,999	514,999	-
Land improvements		-	-	-
Less accumulated depreciation		(425,531)	(425,531)	-
	Total noncurrent assets	147,691	147,691	-
	Total assets	(1,092,672)	(1,168,052)	75,380
LIABILITIES				
Accounts payable		$ -	$ -	$ -
Net OPEB liability		$ 43,810	$ 43,810	$ -
Net pension liability		42,634	42,634	-
Total liabilities		86,444	86,444	-
NET ASSETS				
Invested in capital assets		$ 147,691	$ 147,691	$ -
Unrestricted		$ (1,326,807)	$ (1,402,187)	$ 75,380
Total net assets		**$ (1,179,116)**	**$ (1,254,496)**	**$ 75,380**

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

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 588,845
Operating expenses:	
Personnel	216,219
Supplies	22,865
Utilities	84,542
Repairs and maintenance	42,715
Insurance Premium	33,538
Depreciation	
Capital expenses	29,056
Other expenses	16,732
Total operating expenses	445,667
Operating gain (loss)	143,178
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	143,178
Transfers out	-
Change in net assets	143,178
Total net assets, July 1	(1,322,294)
Total net assets, January 31, 2023	**$ (1,179,116)**

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

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU JAN 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU JAN 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500	$ 10,750	65.15%	$ (10,750)
Skate Rentals	$ 6,000		0.00%	$ 6,000	$ 425	7.08%	$ (425)
Pepsi Vending Machines	$ 2,000	$ 1,348	67.40%	$ 2,000	$ 494	24.70%	$ 854
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ 953	31.77%	$ (953)
Vending Food	$ 2,000	$ 733	36.65%	$ 2,000	$ 148	7.40%	$ 585
Sponsorships	$ 230,000	$ 151,882	66.04%	$ 185,000	$ 116,051	62.73%	$ 35,831
Pro Shop	$ 7,000	$ 2,340	33.43%	$ 7,000	$ 3,339	47.70%	$ (999)
Programs	$ 20,000		0.00%	$ 20,000	$ -	0.00%	$ -
Rental Income	$ 702,000	$ 374,550	53.35%	$ 683,500	$ 449,944	65.83%	$ (75,394)
Camps/Clinics	$ 50,000	$ 21,010	42.02%	$ 50,000	$ 24,860	49.72%	$ (3,850)
Tournaments	$ 50,000	$ 36,982	73.96%	$ 50,000	$ -	0.00%	$ 36,982
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 588,845	54.10%	$ 1,025,000	$ 606,964	59.22%	$ (18,119)

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

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU JAN 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU JAN 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 216,219	74.28%	$ 339,437	$ 124,123	36.57%	$ 92,096
Purchased Services	$ 136,900	$ 76,253	55.70%	$ 123,928	$ 50,888	41.06%	$ 25,365
Supplies	$ 76,562	$ 39,597	51.72%	$ 79,000	$ 39,952	50.57%	$ (355)
Utilities	$ 267,000	$ 84,542	31.66%	$ 250,350	$ 124,102	49.57%	$ (39,560)
Capital Outlay	$ 50,000	$ 29,056	58.11%	$ 42,500	$ -	0.00%	$ 29,056
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 445,667	54.25%	$ 835,215	$ 339,065	40.60%	$ 106,602
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 445,667**	**54.25%**	**$ 835,215**	**$ 339,065**	**40.60%**	**$ 106,602**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 13, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Special Meeting
Agenda
February 17, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Meeting - Roll call votes will begin with Councilor Milks

Pledge of Allegiance

I. Unfinished Business

1. Ordinance 02-02132023
Amending the definition and use of standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/or Government Offices at a site on which the use does not currently exist. Public hearing and second reading.

II. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: February 17, 2023 **Ordinance:** 02-02132023

Author: Eric Cousens, Director of Planning and Permitting

Subject: Workshop in preparation for First Reading on a Zoning text amendment related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices.

Information: Zoning text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

This is a workshop to ask questions and clarify how the draft ordinance would work for review of specified uses. First reading is scheduled for later tonight, a Planning Board Public Hearing is scheduled for 2/14/23 and Second reading with Public Hearing is scheduled for City Council on 2/17/23. In summary the proposed ordinance established new definitions for Public Safety Facilities, correctional facilities and related uses. Prior to this there was only a broad category of Government Offices and Services that could cover a wide range of uses that had very different potential impacts. The Planning Board and staff worked to define the different uses using other communities and best practices as a guide and then to determine where they could be appropriate and what special impacts should be addressed by conditions. Attached is the draft text. Correctional facilities and jails will be limited to T5.2 (where one exists) and the Industrial district. Public safety facilities will be allowed more broadly as a special exception with Planning Board review and with an approval by the City Council after review of a needs and impacts analysis specific to any proposed facility. The needs and impacts analysis would be easier to justify where impacts from existing facilities already exist and residents are used to living with them. Government Offices/services with more office related functions, other than Public safety and correctional facilities/jails, would be allowed even more broadly as shown in the attached amendment.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends passage of the ordinance as is without amendments.

Previous Meetings and History: Partly discussed when a moratorium was put in place in 2022, passage of first reading on 2/13/2023, and discussed at the Planning Board meeting on 2/14/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance amendment language, Use Matrix used for discussion with Planning Board Planning Board staff report.

LEGAL NOTICE
City of Auburn

Notice is hereby given that the Auburn City Council will hold a Public Hearing on **Friday, February 17, 2023, at 5:30 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to consider the following topic:

1. **PUBLIC HEARING/ SECOND READING/ TEXT AMENDMENT/** Public hearing on a text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which the use does not currently exist. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Additional information is available at the Auburn Planning & Permitting Department by contacting Katherine Cook at (207) 333-6601 ext. 1155 or kcook@auburnmaine.gov.

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

To: Auburn City Council
From: Auburn Planning Board
Re: Planning Board February 14, 2023 public safety ordinance recommendation
Date: February 17, 2023

The Planning Board forwards the following recommendation to council after notice and public hearing at the February 14, 2023, Planning Board meeting.

Motion: Riley Bergeron; Second: Stacey LeBlanc

I make a motion to forward a positive recommendation to the City Council to adopt the text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site where the use does not currently exist. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV District Regulations. Pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map including the staff suggestion to include in the government services definition a 1000 sq ft threshold.

Amendment to main motion:

Motion: Evan Cyr; Second: Darren Finnegan

I make a motion to amend municipal uses to read municipal uses means any lawful use of a building or of land carried on by the city not defined elsewhere in the ordinance; a city landfill shall not be deemed a municipal use.

Vote 7-0-0 Motion carries

ORDINANCE 02-02132023

City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV.

Be it ordained, that the Auburn City Council adopts a Zoning text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

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

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

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

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

(1) Bed and breakfast homes or inns;

(2) Restaurants, diners or cafes;

(3) Art studios and galleries;

(4) Performing arts centers;

(5) Medical and dental clinics;

(6) Office space;

(7) Municipal and government uses; and

(8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit.*

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a towtruck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or *lodginghouse* means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure.*)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child care home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

(1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.

(2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Correctional institution means a publicly or privately operated facility generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Detention facility mean In the case of an adult or juvenile, "detention" means the confining of an adult or juvenile held in lawful custody in a specially constructed or modified facility designed to ensure continued custody and control. Detention may be confinement before trial or another hearing by a court or confinement to serve court-imposed sentences or dispositions and may be in a step-down, jail, half-way house or lock-up facility.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or *zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Government offices means a room or group of rooms used for conducting the affairs of a government entity, not entailing the sale of goods except that which is clearly incidental.

Government services means for the purposes of this chapter, "government services" includes the functions performed by the various government agencies in the city. Government services includes the following: government administration, courts, public schools, postal services, public works and municipal utilities.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

(1) The sale of greenhouse products and related supplies; and

(2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling

shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

(1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or

(2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. Illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

(1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or

(2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School.*)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Jail means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

Junkyard or *automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lock-up facility means a facility designated by law or regularly used for detention for a temporary period before trial or transfer to a jail or other facility.

Lodge, private. See the term *Club, private.*

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to

provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;

(5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

(1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.

(2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

(1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)

(2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

(3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

(4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

(1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;

(2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;

(3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or *earth removing* means the excavation of any earth materials.

Minor arterial highway means the highway that:

(1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;

(2) Provides access to geographic areas smaller than those served by the major arterial highway system; and

(3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities,

including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal or public utilities and communication facilities means the use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. "Public utility" also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for or commodities delivered to the public or any portion thereof. Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. For the purposes of this chapter, a municipal or public utility or communications facility includes, but is not limited to, the following: a private telephone company or paging service, any utility regulated by the Maine Public Utilities Commission, and any other commercial communications tower.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery

products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

(1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and

(2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Public Safety Services Facilities operated by public agencies to provide services relating to the general health, safety, and welfare of the population, including but not limited to fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarter, and emergency response services, excluding correctional facility, interim incarceration, lock-up or jail facilities.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeetor trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school.*)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or*office mall* means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

(1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;

(2) A way accepted by the municipal officers of the city;

(3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or

(4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage.*

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or *building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home.*

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or *RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District.*

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021)

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Secs. 60-116—60-143. Reserved.

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

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

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.

c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.

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

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel can reasonably accommodate the proposed farm.

3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:

4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

5. The proposed residence shall be accessory to farming.

6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.

e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department

of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

(20) Municipal or public utilities and communications facilities

(21) Municipal uses

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided

that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).

(2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

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

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

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

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

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

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

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

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

Sec. 60-202. Dimensional requirements.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

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

Secs. 60-203—60-227. Reserved.

DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-228. Purpose.

This district is intended to provide for low density rural residential areas while protecting adjacent agriculture and resource protection districts, allowing a degree of residential development compatible with maintenance of environmental quality and preservation of the open character of the area.

(Ord. of 9-21-2009, § 3.41A)

Sec. 60-229. Use regulations.

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

(1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(6) Licensed veterinarians provided that the lot is of at least three acres.

(7) Wayside stands.

(8) Accessory uses, buildings or structures.

(9) Lawn maintenance services.

(10) Municipal uses and buildings.

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

(1) Radio, radar, television and radio-telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, buildings occupants, land uses and properties.

b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(2) Care homes, lodginghouses and boardinghouses.

(3) Recreational uses of land intended or designed for public use, subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(4) Child day care centers, provided that:

a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.

b. They shall not be located closer than 1,000 feet from other established day care centers.

c. These standards shall not apply to section 60-52.

(5) Cemeteries, provided that:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(6) Community-based residential facilities, provided that:

a. The minimum distance between any two such facilities shall be 1,500 feet.

b. Any such facility shall house no more than eight persons.

(7) Licensed kennels provided that there shall be available land area of at least three acres.

(8) Training schools.

(9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(10) Adult day centers.

(11) Landscape services.

(12) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(13) Schools.

(14) Churches or temples.

(15) Libraries.

(16) Museums.

(17) Adaptive reuse of structures of community significance.

(18) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(19) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(20) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(21) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.41B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 12-08192019, 9-9-2019; Ord. No. 11-03012021, § 12, 3-15-2021)

Sec. 60-230. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 43,560 square feet and measuring less than 250 feet in width. No lot shall be less than 150 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted, provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. A public building, church or temple, and accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.41C; Ord. No. 11-03012021, §§ 13, 14, 3-15-2021)

Secs. 60-231—60-253. Reserved.

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-254. Purpose.

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

(Ord. of 9-21-2009, § 3.42A)

Sec. 60-255. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Greenhouses.

(7) Licensed veterinarians, provided that the lot containing same is of at least three acres.

(8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:

a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.

b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.

c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.

(9) Wayside stands.

(10) Accessory uses, buildings or structures.

(11) Lawn maintenance services.

(12) Municipal uses and buildings.

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

(1) All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by section 60-229(b)(3), (9), (11) and (12).

(2) Professional offices may be created within existing single-family residences in existence at the time of adoption of this chapter, provided the following conditions are met:

a. Such residences shall have frontage on a major arterial as defined in the city's comprehensive plan.

b. Access to parking shall be located on the arterial frontage except for corner lots, in which case access may be located on the secondary roadway frontage.

c. In addition to meeting the requirements of article V of this chapter, required parking shall be separated from all lot lines by a buffer of 30 feet in width. Such buffer shall be vegetated in a manner to fully screen parked vehicles from view at the lot lines. A driveway serving such a parking area must be separated from the side lot line by a sight impervious fence of six feet in

height or a buffer of ten feet in width meeting the vegetation requirements of this subsection (b)(2)c.

d. Signage shall be limited to a single nonilluminated sign with a maximum of 16 square feet of display per side.

(3) Adaptive reuse of structures of community significance.

(4) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(5) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(7) Municipal or public utilities and communication facilities

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

Sec. 60-256. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 21,780 square feet, and measuring less than 150 feet in width; and measuring less than 125 feet in depth.

(2) *Density.* The density of dwelling units shall not exceed an average of two dwellings per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.42C; Ord. No. 11-03012021, § 18, 3-15-2021)

Secs. 60-257—60-275. Reserved.

DIVISION 6. URBAN RESIDENCE DISTRICT

Sec. 60-276. Purpose.

This district is intended to provide for, protect and stabilize medium density urban residential areas of single- and two-family detached dwellings and their adjunct public and institutional uses. It is designed to ensure a family living environment in an urban setting through lot size requirements that provide adequate yard space for family outdoor activity and play space for children.

(Ord. of 9-21-2009, § 3.43A)

Sec. 60-277. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(4) Accessory uses building or structures.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Municipal uses and buildings.

(b) *Special exception uses.* All uses permitted by special exception in the Suburban Residence (SR) District (division 5 of article IV of this chapter), except radio, radar, television and radio-telephone transmitting towers are permitted in the Urban Residence (UR) District.

(1) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.43B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 19, 20, 3-15-2021)

Sec. 60-278. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 10,000 square feet; and measuring less than 100 feet in width. No lot shall be less than 100 feet in depth. No two-family dwelling shall be erected on a lot containing less than 12,000 square feet.

(2) *Density.* The density of single-family dwelling units shall not exceed four units per acre. The density of two-family dwelling units shall not exceed six units per acre.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.43C; Ord. No. 11-03012021, § 21, 3-15-2021)

Secs. 60-279—60-304. Reserved.

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

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

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Multifamily dwellings in existence on September 23, 1988.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Shelter for abused persons.

(7) Accessory uses, buildings or structures.

(8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(9) Municipal uses and buildings.

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

(1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).

(2) Off-street parking lot, provided that:

a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.

b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.

(3) Professional offices.

a. Shall be in buildings which are listed on the state resource list and/or federal historic register.

b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.

c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.

(4) Adaptive reuse of structures of community significance.

(5) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(7) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(8) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021)

Sec. 60-307. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:

a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.

(2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

a. Multifamily buildings shall have a maximum height of 45 feet from grade.

b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Secs. 60-308—60-332. Reserved.

DIVISION 8. RESERVED[1]

Secs. 60-333—60-358. Reserved.

DIVISION 9. PLANNED UNIT DEVELOPMENTS

Subdivision I. In General

Sec. 60-359. Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the planning board's evaluation of the development proposal and the purposes standards and provisions set forth in this division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-360. Scope.

(a) Application for a PUD-C Planned Unit Development, PUD-I Planned Unit Development or PUD-R Planned Unit Development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. Application for a PUD-RR Planned Unit Development: Recreation/Residential may be made for land located where public sewer is presently available, will be made available by the developer prior to certificates of occupancy being issued or may utilize private wastewater disposal systems in compliance with state plumbing codes.

(b) The dimensional requirements stated in individual zoning districts and signs as stated in article VI of this chapter may be increased or decreased by the planning board as they apply to planned unit developments, except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in section 60-359, purpose, and section 60-361, general standards.

(c) Coordination with subdivision regulations.

[1]Editor's note(s)—Ord. No. 25-06212021, adopted July 19, 2021, repealed div. 8, §§ 60-333—60-335, which pertained to the multifamily urban district and derived from an Ord. adopted September 21, 2009; Ord. No. 05-04032017, adopted April 24, 2017; and Ord. No. 11-03012021, adopted March 15, 2021.

(1) If a plan review is required under division 4 of article XVI subdivision of this chapter, it shall be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.

(2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI subdivision of this chapter relative to final plans where applicable.

(3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 27, 3-15-2021)

Sec. 60-361. General standards.

The following provisions apply to all planned unit development districts:

(1) The dimensional requirements as stated in individual zoning districts shall apply within the PUD but may be increased or decreased due to individual site characteristics as determined by the planning board to promote the purposes set forth in section 60-359 of this chapter.

(2) The planning board may increase or decrease the required number of off-street parking spaces as stated in article V of this chapter in consideration of the following factors:

a. The probable number of cars owned by occupants of dwellings in the planned unit development;

b. The parking needs of any nonresidential uses;

c. Varying time periods of use, and whatever joint use of common parking areas is proposed.

(3) Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.

(4) A PUD involving residential uses shall reserve an amount of land equal to that required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD or open to the public. Land reserved to satisfy the open space requirement shall be:

a. Administered through a homeowner's association; or

b. Dedicated to and accepted by the city for public use; or

c. Land occupied by a major recreational use adjacent to a PUD-RR; or

d. Managed by a non-profit organization or land trust deemed capable of management by the planning board; or

e. A combination of a, b, c and/or d above.

(5) All of the requirements of the City Code of Ordinances applicable to the zoning district not addressed in this division, shall apply.

(6) Before granting approval of the final development plans, the planning board must find that said plan addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved::

a. The proposed development has an appropriate relationship to the surrounding area;

b. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and

exhaust. Proper circulation in parking areas is designed for safety, convenience, separation and screening;

c. Adequate open space has been provided with consideration given to preservation of natural features including trees and drainage areas, topographic features, recreation and views.

d. Privacy in terms of needs of individuals, families and neighbors;

e. Pedestrian and bicycle traffic in terms of safety, separation, convenience and access points;

f. Building types in terms of appropriateness to density, site relationship and bulk;

g. Building design in terms of orientation, spacing, character, storage, signs and lighting;

h. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;

i. Preservation of historically or architecturally significant buildings or places, if any;

j. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued, except as allowed by section 60-360(a) in the case of a PUD-RR.

k. That the proposal meets the requirements of section 60-1335, special exception of this ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D; Ord. No. 08-08072017, 9-11-2017)

Secs. 60-362—60-380. Reserved.

Subdivision II. Types

Sec. 60-381. Definitions.

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

Planned includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-382. PUDs established.

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

(1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.

(2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.

(3) PUD-C Planned Unit Development: Commercial in GB and GBII.

(4) PUD-I Planned Unit Development: Industrial in ID.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 28, 3-15-2021)

Sec. 60-383. Zoning map indication.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or, PUD-RR or PUD-C or PUD-I. (Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-384. Permitting.

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the planning board as a phased development. (Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-385. Planned Unit Development—Residential (PUD-R).

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R Planned Unit Development: Residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the planning board.

(1) Uses permitted by right or permitted by special exception in the residential districts noted in this section and the underlying zoning district.

(2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial uses shall be subject to the following requirements:

a. Such uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.

b. Except as stated in division 11 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.

c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to them.

d. Sign.

1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A commercial use shall have not more than one sign for every street frontage. Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.

2. A residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.

(3) The total number of dwelling units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in the underlying zoning district or as approved by the planning board pursuant to the standards in the underlying zoning district.

(4) If common open space remaining is offered to the city and is acceptable to the city, such dedication may be considered as partial or total fulfillment of park and open space dedication.

(5) Upon review of a PUD-R proposal, the planning board may authorize up to a 20 percent increase in density over that otherwise allowed in the underlying district if the following criteria are met:

a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.

b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.

c. *Design.* A unified cohesive development, focal points for orientation and interaction, variety of scale.

d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.

e. *Convenient.* A convenient well-defined access.

f. *Compatibility.* Compatibility with the adopted comprehensive plan and/or plans approved by city boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.

(6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 29, 3-15-2021)

Sec. 60-386. Planned Unit Development—Recreation/Residential (PUD-RR).

The PUD-RR district is created to provide for the development of residential and commercial uses that are customary, complementary, and appropriate to major recreational uses on land located adjacent to them. Major recreation uses of land are designed for outdoor use of large land areas and have indoor facilities to accommodate groups of people. Major recreation uses may be open year round or may operate seasonally and their economic viability and continued operation are recognized as assets to Auburn. Flexibility for the siting of homes, condominiums, hotels or motels and accessory uses that are of a scale that is compatible with the surrounding area will help support the economics of a major recreation use.

Any major recreation use containing 100 acres or more area may be developed as a planned unit development: Recreation/Residential-PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the planning board.

(1) Uses permitted by right or permitted by special exception in the underlying zoning district.

(2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a planned unit development and as a subdivision under section 60-359 and section 60-1359 of this chapter.

(3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the planning board as a site plan and as a special exception under section 60-1276 and section 60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the planning board at the time of PUD and/or special exception review. In making their determination, the planning board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of section 60-385(2)d. as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.

(4) Accessory commercial uses provided that they are approved as a site plan and as a special exception under section 60-1276 and section 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.

(5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the planning board pursuant to section 60-361(4). For the purpose of determining the number of dwelling units permitted on parcels located within more than one zoning district, the higher density district standard may be applied to the entire parcel and adjacent major recreational use in the case of a PUD-RR Planned Unit Development.

(6) The requirements of a planned unit development, section 60-361(4) and as a subdivision, section 60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.

(7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.

(8) The requirements of this chapter applicable to the underlying district or districts, not addressed in this section, shall apply.

(Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 61, 3-15-2021)

Sec. 60-387. Planned Unit Development—Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the underlying zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-388. Planned Unit Development—Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the underlying zoning district are permitted in the PUD-I district.

(Ord. of 3-16-2009, § 3.51(C)(4); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Secs. 60-389—60-417. Reserved.

Subdivision III. Application Procedure

Sec. 60-418. Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶); Ord. of 9-21-2009, § 3.51E)

Sec. 60-419. Submission and review.

(a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.

(b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

(c) The site plan must contain the following information:

  (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;

  (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;

  (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.

(d) The written statement to accompany the development plan outline map must contain the following information:

  (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;

  (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;

  (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.

(e) The number of copies of the written statement must be consistent with the provisions of section 60-1300.

(f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. Final development plan.

(a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.

(b) The planning board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.

(c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:

(1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.

(2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.

(3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.

(d) From time to time the planning board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the planning board may initiate proceedings. The planning board, for good cause shown by the property owner, may extend the limits of the development schedule.

(e) The planning board may require adequate assurance in a form consistent and acceptable to the planning board, that the common open space shown in the final development plan shall be provided and developed.

(f) Final development plan contents:

(1) The final development plan shall contain the information provided on the preliminary development plan and any additional information requested by the planning board and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the planning board.

(2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419.

(3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.

(4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.

(g) Control of planned unit development following completion.

(1) The planning board shall review and take action on the competed final plan.

(2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.

(3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:

a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the planning board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.

b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principal, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.

c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.

d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.

e. All other changes in the final development plan must be made by the planning board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:

1. Continued successful functioning of the planned unit development;

2. By changes in conditions that have occurred since the final plan was approved; or

3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, §§ 62, 63, 3-15-2021)

Secs. 60-421—60-438. Reserved.

DIVISION 10. RESERVED[2]

Secs. 60-439—60-469. Reserved.

DIVISION 11. NEIGHBORHOOD BUSINESS DISTRICT

Sec. 60-470. Purpose.

This district is intended to provide for the daily convenience shopping and business needs of nearby residents and contains those retail, service and office uses which serve primarily a neighborhood population. It is intended that this district be located on lots in areas zoned for residential use.

(Ord. of 9-21-2009, § 3.61A)

Sec. 60-471. Use regulations.

(a) *Permitted uses.* The following uses are permitted, provided that the business use be limited to the ground floor and/or basement and that the gross building area devoted to business use, excluding storage, does not exceed 3,000 square feet:

(1) Residential dwellings at the same density as permitted in any abutting residential district.

(2) Beauty parlors, barbershops and self-service laundries.

(3) Public transportation passenger stations.

(4) Grocery stores.

(5) General commercial uses (retail, service and office uses), not necessarily associated with the surrounding neighborhood, may be authorized by the planning director upon written application adhering to the following procedure and criteria:

a. The external activity levels and impacts are limited as to be compatible with and not adversely affect the character of the surrounding neighborhood.

b. The proposed use will not create excessive noise, excessive traffic, nuisances (vibration, smoke, odor, appearance, etc.), fire hazard and other negative impacts of business activities being conducted in the residential neighborhood.

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

[2]Editor's note(s)—Ord. No. 20-05032021, adopted May 17, 2021, repealed div. 10, §§ 60-439—60-443, which pertained to the downtown enterprise zone and derived from an Ord. adopted September 21, 2009 and Ord. No. 05-04032017, adopted April 24, 2017.

(1) Automobile parking lots and garages, commercial and public, provided that they shall be at least ten feet from any lot in a residential district and that the setback area be landscaped.

(2) Public utility uses, such as electric substations and office, excluding repair facilities and the storage of material and trucks.

(3) Convenience stores, drug stores, variety stores and retail bakeries shops provided that goods baked on the premises shall be sold only on the premises.

(4) Automobile filling stations.

(5) Halls, private clubs and lodges.

(6) Shoe repair shops, pickup laundries and dry cleaners.

(7) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.61B; Ord. No. 05-04032017, § 2, 4-24-2017)

Sec. 60-472. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No minimum shall be applied to buildings in this district.

(2) *Density.* The maximum lot coverage by all building shall be 40 percent.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every principal building a rear yard having a minimum depth of 35 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any principal building and the side property line, plus the side yard setback shall be increased one foot for every four feet or part thereof increase in street frontage over 49 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every principal building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

d. *Open and unbuilt spaces.* Any yard space or area required to be kept open and unbuilt on may be used, if otherwise lawful, for off-street automobile parking, except that a green strip not less than ten feet wide shall be maintained open and green, not built on, paved, or parked on, all or parked on, all along each property line that abuts land residentially.

(4) *Height.* No permitted structure shall exceed two stories or 35 feet in height. A public building, church or temple, or accessory building or structure may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking and loading.* Provisions for off-street parking shall not be required in the NB district, except for dwellings and for any parking and loading area required as a condition of special exception approval.

(Ord. of 9-21-2009, § 3.61C)

Secs. 60-473—60-497. Reserved.

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

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

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

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

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Wholesale bakeries.

(12) Retail laundries and dry cleaners, but not plants.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Warehouses, wholesale offices, salesrooms and showrooms.

(18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.

(19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(20) Animal hospitals and pet shops, but no kennels.

(21) Business equipment repair and business services.

(22) Radio and television studios.

(23) Printing shops, but not publishing plants.

(24) Retail, service, office and commercial uses similar to the foregoing.

(25) Carwashes.

(26) Accessory uses, building and structures.

(27) Shelters for abused persons.

(28) Greenhouses and lawn maintenance services.

(29) Temporary outdoor places of amusement.

(30) Churches and temples.

(31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(32) Marijuana cultivation accessory to a licensed retail store on the same property.

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

(1) Automobile filling stations.

(2) Automobile repair and service stations.

(3) Automobile and marine sales lots and sales and service agencies.

(4) Automobile and marine paint and body repair shops.

(5) Hospitals, care homes, boardinghouses and lodginghouses.

(6) Research or philanthropic institutions.

(7) Outdoor theaters.

(8) Drive-in or carry-out restaurants.

(9) Commercial parks.

(10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.

(11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.

(12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

(13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(14) Convenience stores.

(15) Research, experimental and testing laboratories.

(16) Landscape services.

(17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.

(18) Automotive towing and storage.

(19) Major retail development provided that it meets the conditions noted in section 60-45(g).

(20) Outpatient addiction treatment clinics.

(21) Adaptive reuse of structures of community significance.

(22) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(23) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

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

Sec. 60-500. Dimensional regulations.

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

(1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

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

Secs. 60-501—60-523. Reserved.

DIVISION 13. MINOT AVENUE (GBII)

Sec. 60-524. Purpose.

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

Sec. 60-525. Use regulation.

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

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Retail bakeries.

(12) Retail laundries and dry cleaners.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Restaurants, dining rooms or lunchrooms.

(18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(19) Animal hospitals and pet shops, but not kennels.

(20) Business equipment repair and business services.

(21) Radio and television studios.

(22) Printing shops, but not publishing plants.

(23) Carwashes.

(24) Accessory uses, buildings and structures.

(25) Greenhouses.

(26) Seasonal outdoor places of amusement.

(27) Churches and temples.

(28) Shelters for abused persons.

(29) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(30) Marijuana cultivation accessory to a licensed retail store on the same property.

(31) Automobile and marine sales lots and sales and service agencies, provided that the vehicle display spaces are limited to not more than 10 spaces per 1,000 square feet of gross building area permanently constructed on the site with maximum of 100 display spaces.

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

(1) Commercial parks.

(2) Automobile repair and service stations.

(3) Hospitals, care homes, boardinghouses and lodginghouses.

(4) Research or philanthropic institutions.

(5) Outdoor theaters.

(6) Drive-in or carry-out restaurants.

(7) Sales, rental and service agencies for farm equipment, trucks and trailers, and construction equipment.

(8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.

(9) Convenience stores.

(10) Research, experimental and testing laboratories.

(11) Landscape services and lawn maintenance services.

(12) Halls, private clubs and lodges.

(13) Outpatient addiction treatment clinics.

(14) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under section 60-525(a) which will occupy an area of 5,000 square feet or more.

(15) Adaptive reuse of structures of community significance.

(16) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(17) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.63B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 33, 34, 3-15-2021; Ord. No. 21-05032021, 5-17-2021; Ord. No. 26-06212021, 7-19-2021)

Sec. 60-526. Dimensional regulations.

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

(1) *Minimum lot width and depth.* No building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021)

Secs. 60-527—60-545. Reserved.

DIVISION 14. FORM BASED CODE[3]

Subdivision I. In General

Sec. 60-546. Purpose.

The purpose of the form based code is to:

(a) Provide a building development pattern that is based upon the built environment's physical form and its relationship to the public realm and the private realm.

(b) Allow for a diversity of uses appropriate and compatible to the designated district area.

(c) Provide a more accelerated building design, review, approval and construction process.

[3]Editor's note(s)—Ord. No. 04-03072016, adopted May 16, 2016, repealed former Div. 14, §§ 60-546—60-549, in its entirety and enacted new provisions as herein set out. Former Div. 14 pertained to the central business district and derived from Ord. of 9-21-2009, §§ 3.69A—3.69D; Ord. of 2-16-2010.

(d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-547. Transects.

Form based code uses transects as a way to describe the areas under the regulating plan. A transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn's transects are organized using five form based code districts, (Transect 4.1, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548. Traditional Main Street Neighborhood (T-4.1)

Illustrative View of T-4.1 (Main Street)

Intent and Purpose:
Traditional Main Street Neighborhood (T-4.1)

The Main Street Neighborhood district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T-4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.

Characteristic Features

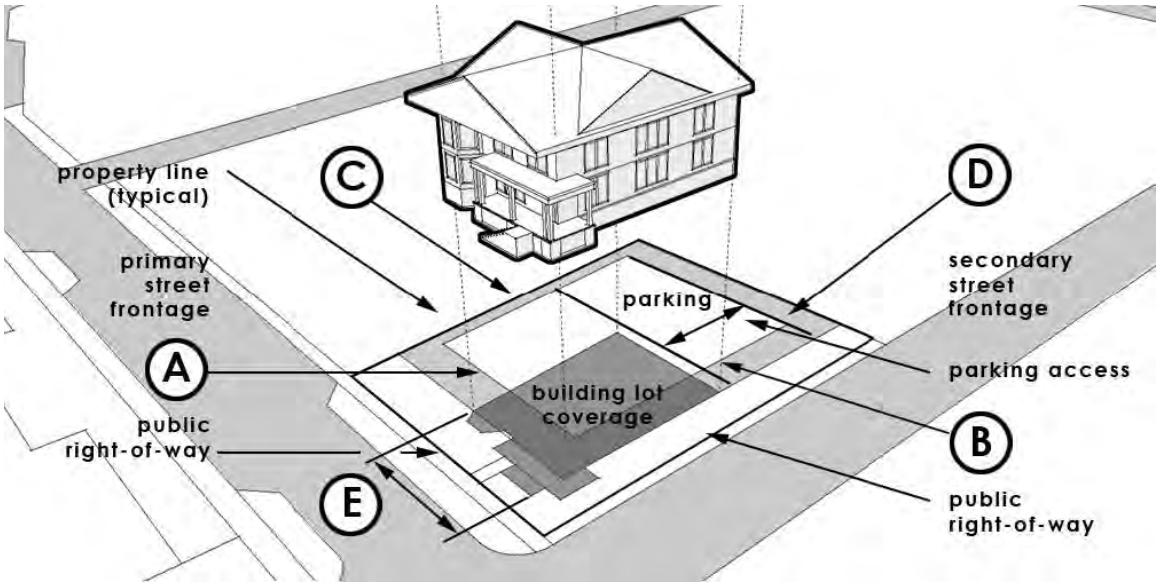
- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density

Examples of Main Street Neighborhood - T-4.1

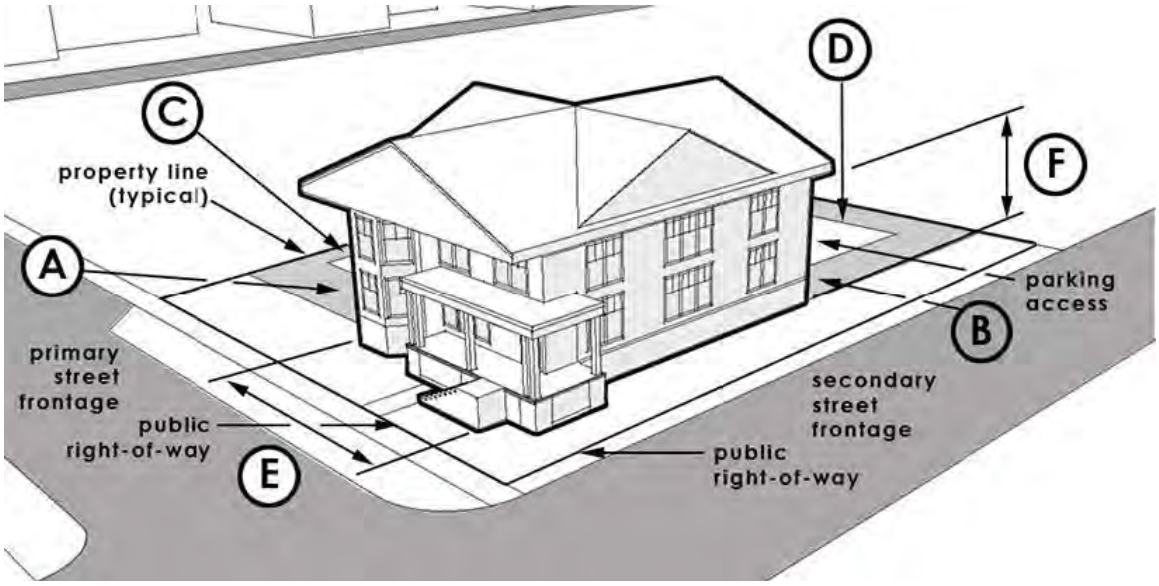
(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.1. Building placement and configuration T-4.1.

Elevated Building Placement



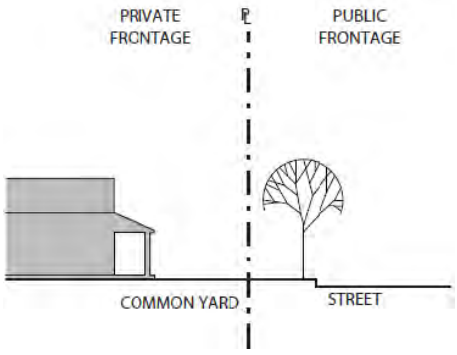
Building Placement on Lot


D
C
property line
(typical)
F
A
parking
access
B
primary
street
frontage
secondary
street
frontage
public
right-of-way
E
public
right-of-way

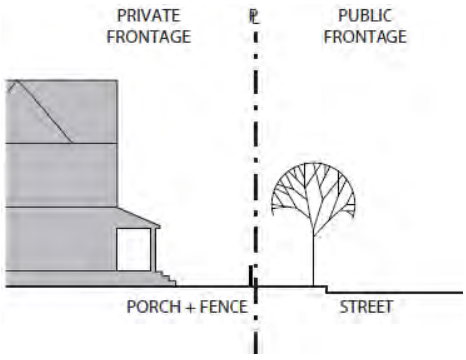
PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	15 ft. Min. 25 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	15 ft. Min., 25 ft. Max	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	60% Max.	
Useable Open Space:	20% Min.	
Frontage Build-Out:	40% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 64 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	2 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.2. Building frontages types T-4.1.



Common Yard



Porch Yard

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard

BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.3. External elements T-4.1.

Front Yard Fence:	A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. Chain link, vinyl, split rail, or barbed wire is not allowed.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum or maximum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 10 ft. maximum. Front Setback, Secondary Frontage 10 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or

	40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 65, 3-15-2021)

Sec. 60.549. Traditional Downtown Neighborhood T-4.2.

Illustrative View of T-4.2 (Spring Street)

Intent and Purpose:
Traditional Downtown Neighborhood (T-4.2)

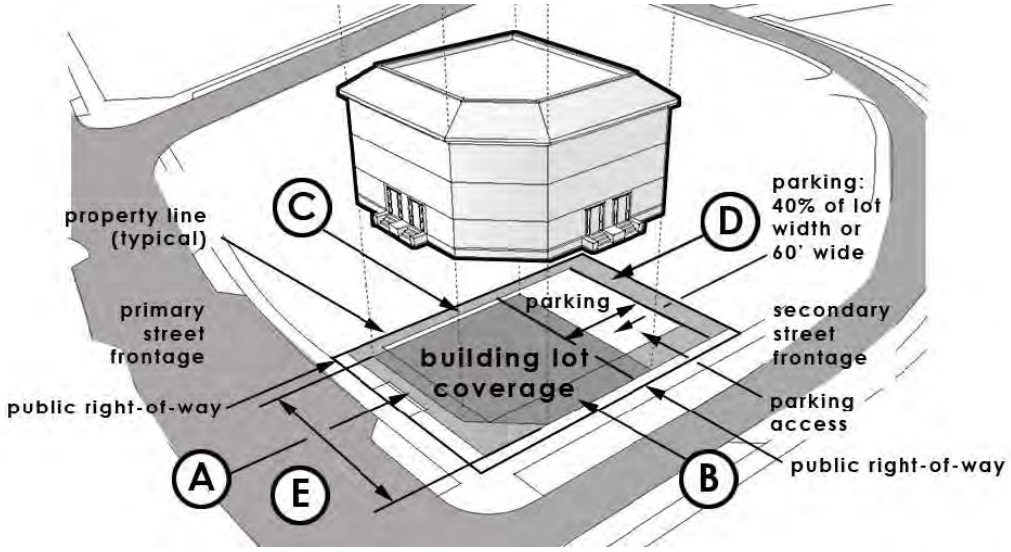
The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

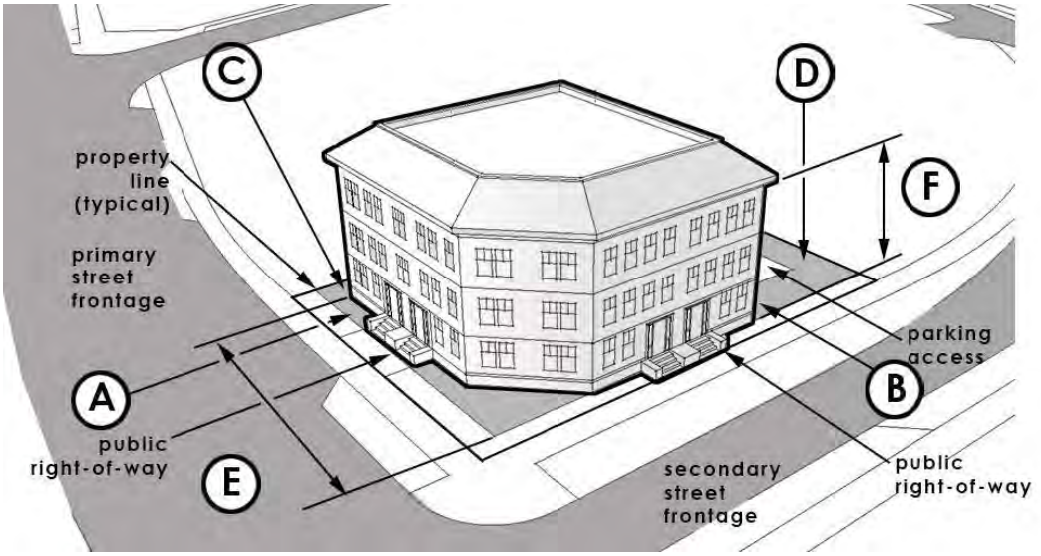
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-549.1. Building placement and configuration T-4.2.



Elevated Building Placement

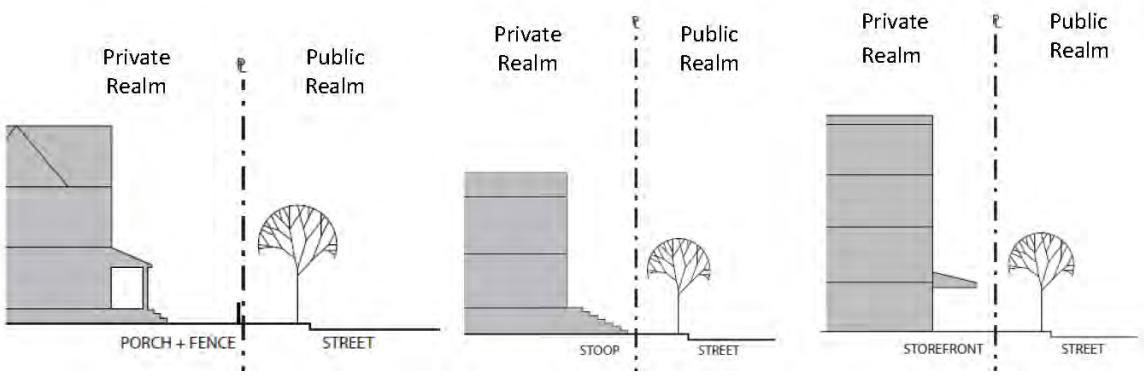


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	5 ft. Min/, 15 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60.549.2. Building frontages T-4.2.



Common or Porch YardStoop Yard FrontageStorefront Type

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard, Stoop and Storefront
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.

Ground Story Finished Floor Elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

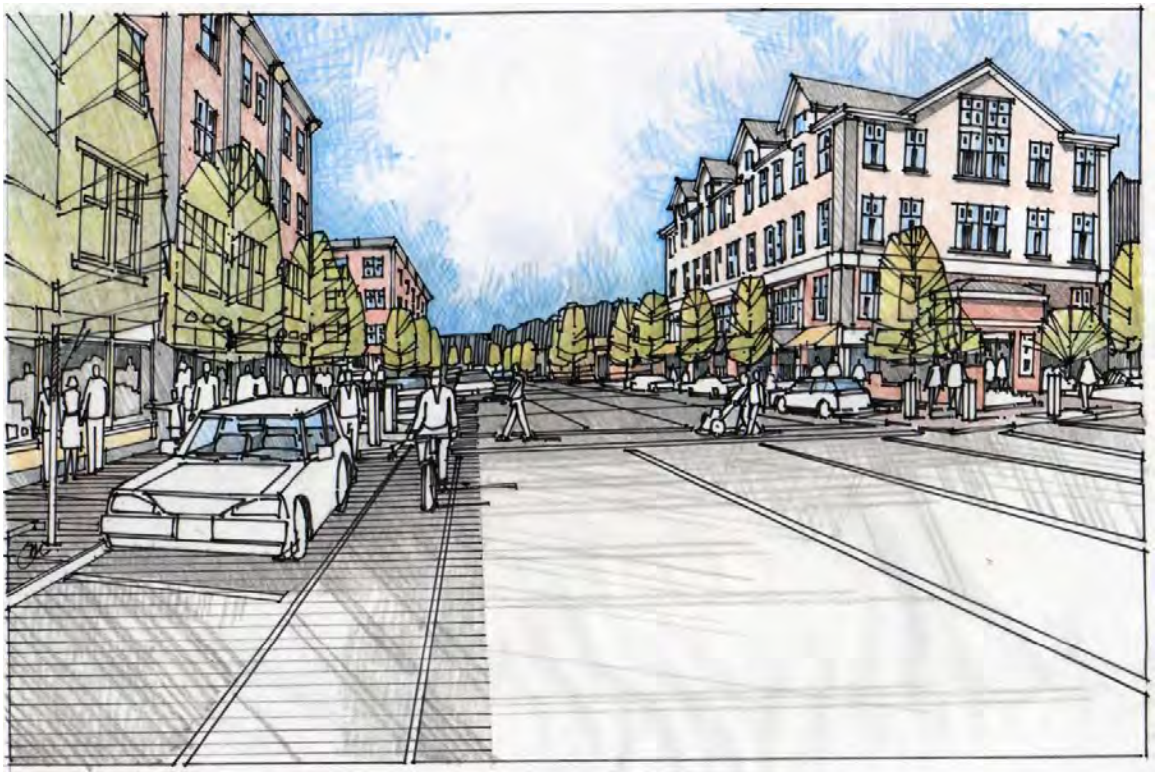
(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 66, 3-15-2021)

Sec. 60-549.3. External elements T-4.2.

Front Yard Fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft. maximum. Front Setback, Secondary Frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550. Downtown Traditional Center T-5.1.



Illustrative View of T-5.1 (Future Great Falls Plaza)

Intent and Purpose:
Downtown Traditional Center (T-5.1)

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.

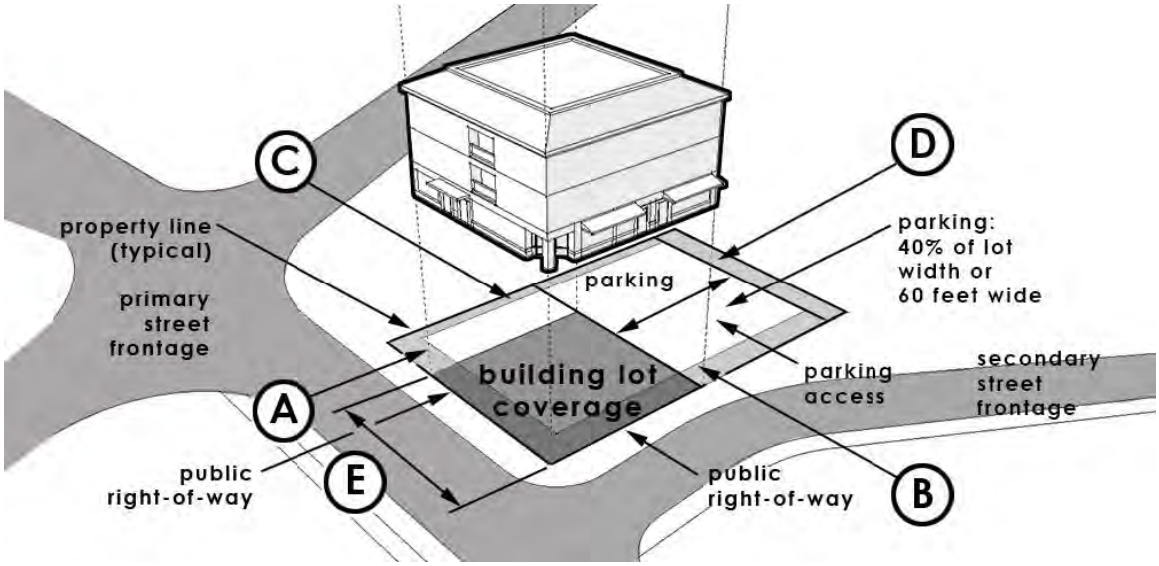
Key Features

- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density

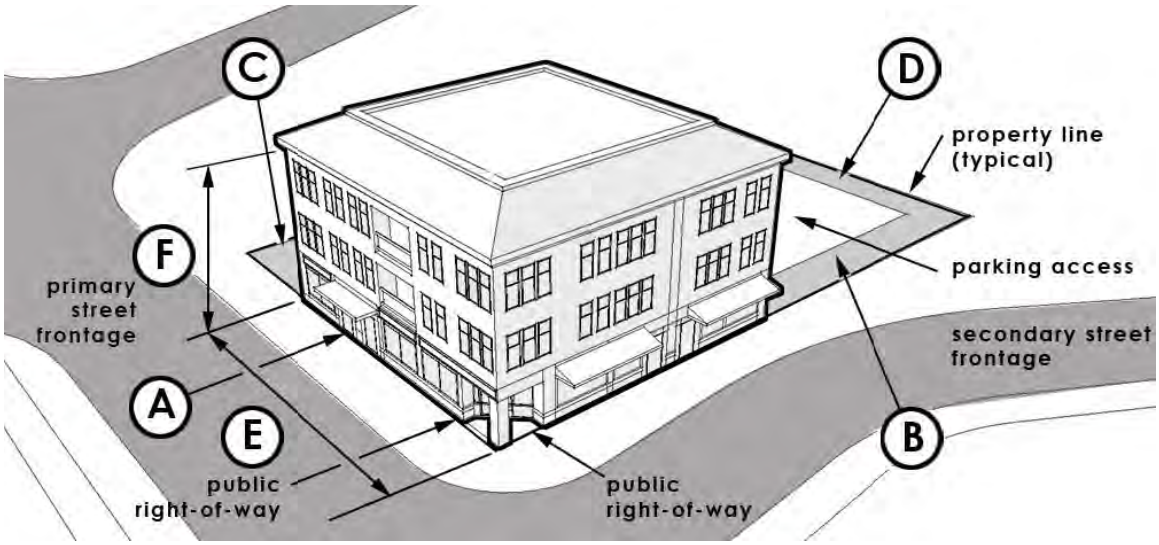
Examples of Downtown Traditional Center T-5.1

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.1. Building placement and configuration T-5.1.



Elevated Building Placement

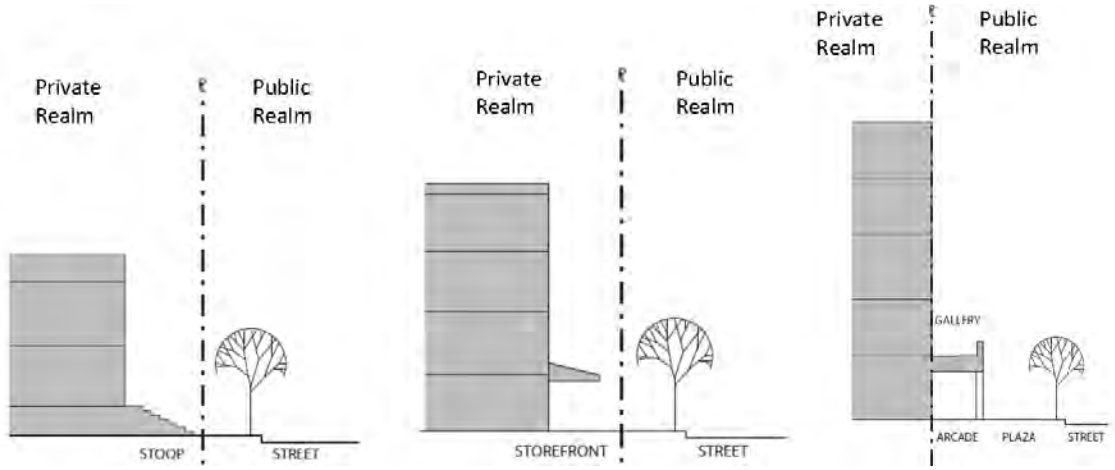


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min., 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min.	(C)
	*Subject to Building Permit Approval	
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	75% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	75% Min. along Front Setback, Primary	
Lot Width:	24 ft. Min, 160 ft.Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 150 ft. Max.	(E)
Building Height Minimum:	2 Story Min. (F)	
Building Height Maximum:	4 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.2. Building frontages T-5.1.



Stoop Frontage YardStorefront FrontageGallery Frontage

BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.

Ground Story Finished Floor Elevation:	The ground story must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.3. External elements T-5.1.

Front Yard Fence: (Residential)	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 67, 3-15-2021)

Sec. 60-551. Downtown City Center T-5.2.

Illustrative View of T-5.2 (Court Street)

Intent and Purpose:
Downtown City Center (T-5.2)

The Downtown City Center district is characterized by medium to large sized buildings in a compact urban environment. This setting will generate social and cultural activity and events, economic stimulation and human interaction. The streets will be important transportation corridors with large sidewalks. The large residential and commercial building widths, frontages and building heights form a solid, compact street wall pattern. The Downtown Center will generate regional economic development activity along with energized social and lifestyle options.

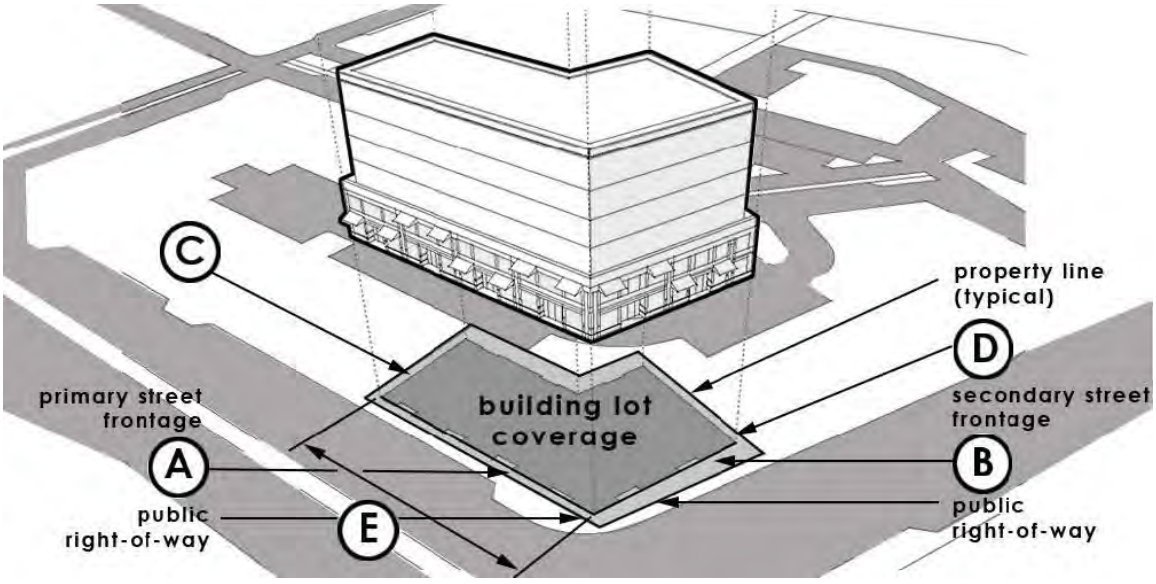
Key Features

- Vibrant street life
- Front facade detailing
- Articulated storefront entrance
- Awnings for storefronts
- Balconies
- Wide sidewalks
- Street Trees
- Compact Urban Environment

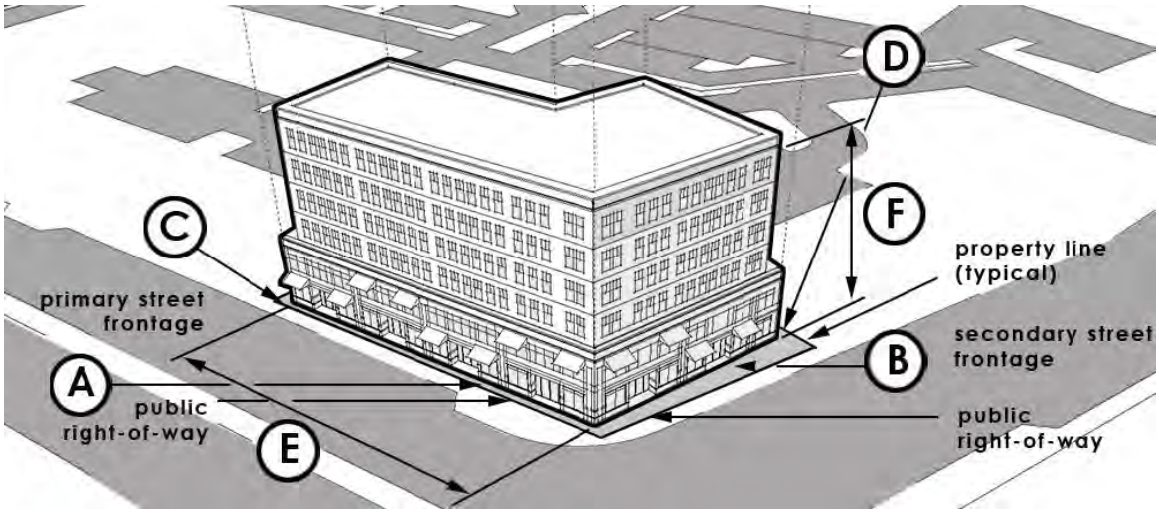
Examples of Downtown City Center - T-5.2

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-551.1. Building placement and configuration T-5.2.



Elevated Building Placement

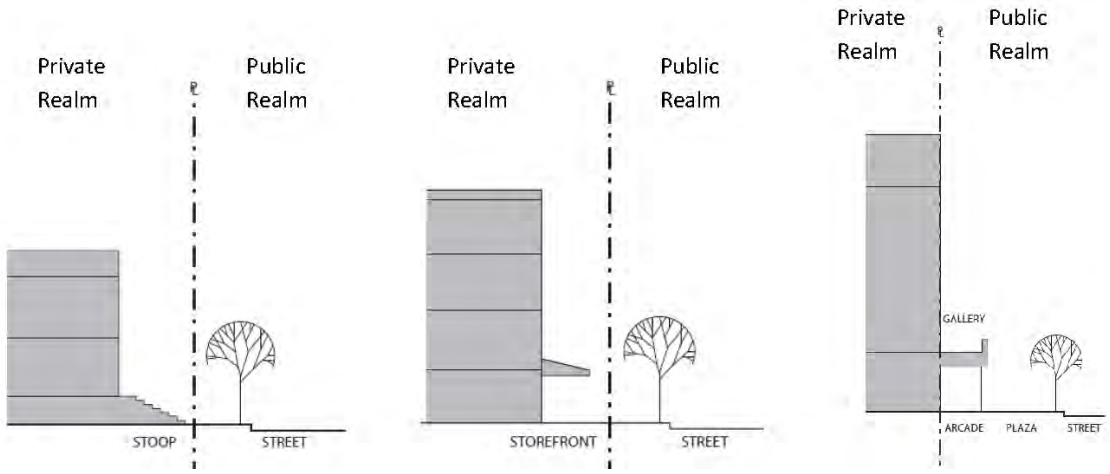


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min. 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min. *Subject to Building Permit Approval	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	80% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	85% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	12 ft. Min., 230 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	6 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-551.2. Building frontages T-5.2.



Stoop Frontage YardStorefront FrontageGallery Frontage

BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Residential: Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage. Storefront: Windows and doors shall comprise a

	minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	Residential: Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. Storefront: Ground story must be a minimum of at the average sidewalk elevation or a maximum of 2 feet above the front yard elevation.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 68, 3-15-2021)

Sec. 60-551.3. External elements T-5.2.

Front Yard Fence: (Residential)	A front yard fence a minimum of 3 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.

Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-552. Great Falls Metropolitan T-6.

Illustrative View of T-6 (Turner Street)

Intent and Purpose:
Great Falls Metropolitan (T-6)

The Great Falls Metropolitan zone is characterized by large buildings up to 8 stories tall that will define the City of Auburn's emerging downtown. A new central square, "Great Falls Square" will provide a downtown focal point and center for professional enterprise and commerce. The Great Falls Metropolitan urban form will generate strong regional socio-economic gravitational pull, attract corporate investment and become a regional destination for visitors, events, entertainment, shopping and social gatherings.

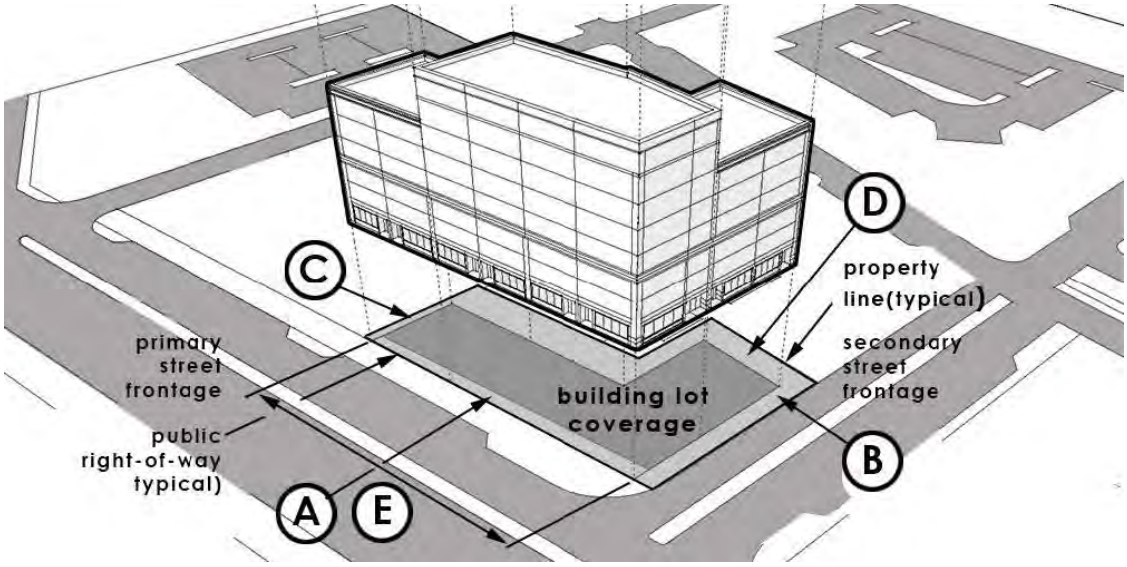
Key Features

- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density

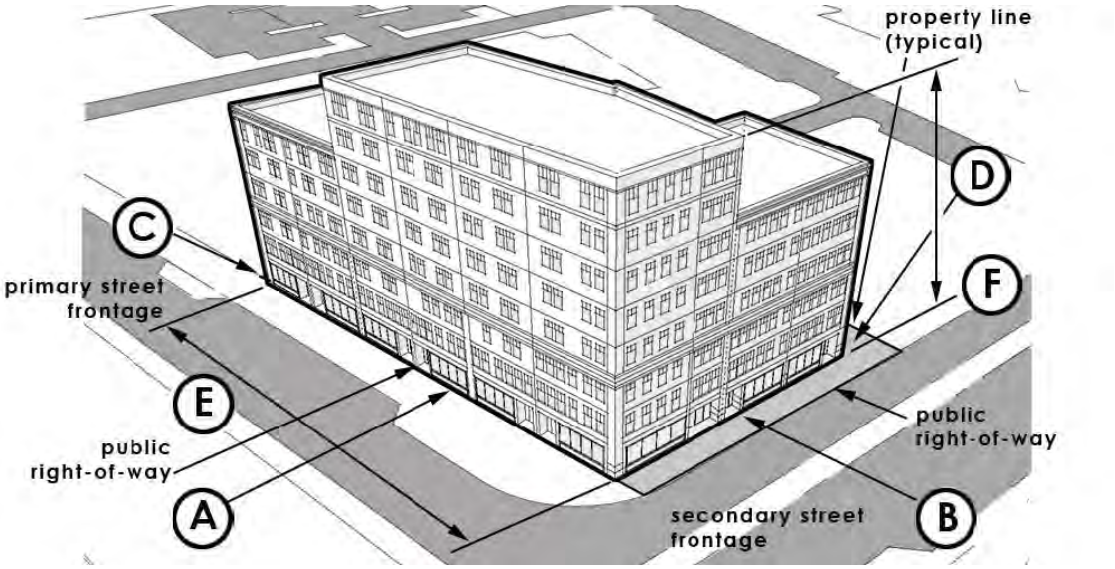
Examples of Great Falls Metropolitan T-6

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 69, 3-15-2021)

Sec. 60-552.1. Building placement and configuration T-6.



Elevated Building Placement

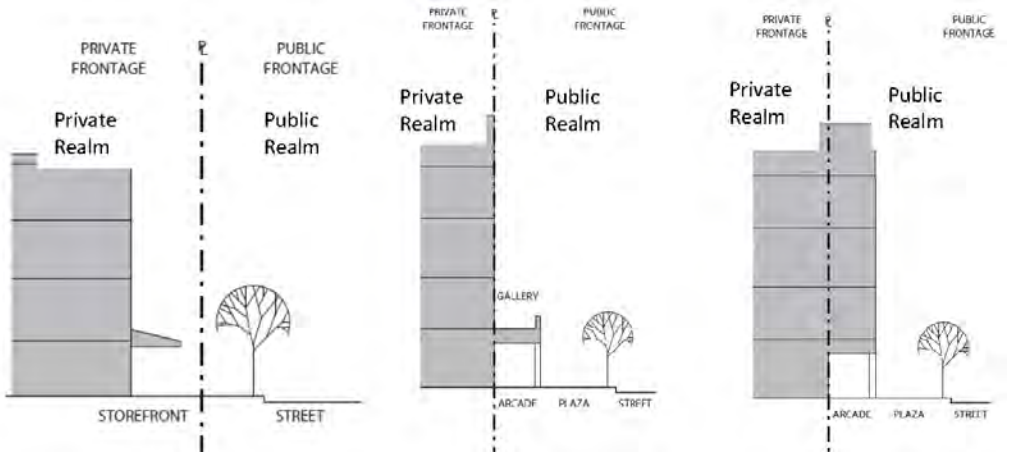


Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft. Min., 10 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min., 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min. *Subject to Building Permit Approval	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	90% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	90% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 240 ft. Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min, 230 ft. Max.	(E)
Building Height Minimum:	4 Story Min.	(F)
Building Height Maximum:	8 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-552.2. Building frontages T-6.



Storefront Frontage **Gallery Frontage** Arcade Frontage

BUILDING FRONTAGE TYPES:	Storefront, Gallery and Arcade
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.

Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation	Must be a minimum of the average sidewalk elevation and maximum of 2 feet.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited. Architectural jogs of up to 18 inches in depth are permitted.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 70, 3-15-2021)

Sec. 60-552.3. External elements T-6.

Street Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 18 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-553. Conservation/Open Space C/OS.

The conservation/open space district is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.

(Ord. No. 11-03012021, 3-15-2021; Ord. No. 30-06212021, 7-19-2021)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
Residential Type Use							
Single Family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/ Lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus
							1 sp/employee
Office/Service Type Use							
Professional Offices	S	S	S	P	P	P	None
Medical and Dental Clinics	S	S	S	P	P	P	None
Personal Services	S	S		P	P	P	None
Retail Type Use							
General Retail	S	S	S	P	P	P	None

Age Restricted Retail (3)	S	X	S	S	S	S	None
Specialty Shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, Private Clubs, Indoor Amusement	S	S	S	S	P	P	None
Artist Studios, Performing Art Center	S	S	S	P	P	P	None
Civic							
Church or Places of Worship	S	S	S	P	P	P	None
Government Offices	X	S	X	P	P	P	None
Art Galleries	S	P	P	P	P	P	None
Transportation Facilities	X	X	X	S	S	S	None
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	S	None
Public Safety Services (4)	S	S	S	S	S	S	None
Government Service (4)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities (4)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention Facility (4)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021)

Subdivision II. Form Based Code Administration

Sec. 60-555. Form based code administration.

Form based code relation to zoning ordinance:

(1) The form based code shall regulate areas designated as form based code districts.

(2) All buildings and land uses located within a form based code district shall comply with section 60-33 et seq. (General Provisions) unless specifically stated otherwise in sections 60-546 to 60-558 of the form based code.

(3) Site plan/special exception. Any project located within a form based code district that requires special exception or site plan review shall comply with section 60-45.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-556. Form based code plan types.

(a) *Administrative types.*

(1) *By right.* No permits are required for projects such as normal maintenance or for new structures under 200 square feet.

(2) *Minor administrative.* Projects that require permits and comply with all form based code or zoning regulations, may be approved and permitted by the appropriate city departmental staff and will not require multiple departmental or planning board approval. These projects can be applied for at any time.

(3) *Major administrative.* Projects that do not qualify as a Subdivision. Special exception or site plan review type plans and comply with all form based code or zoning regulations, but due to multiple issues, will require review by the multiple city departmental staff.

(b) *Discretionary type plans.* The following plan types shall require review and action by the planning board.

(1) Subdivisions of three or more lots over a five-year period or a project creating more than three dwelling units. (Subdivision Review).

(2) Any project listed as special exception or "S" in section 60-554, Use and Parking Matrix Chart. (Special Exception and Site Plan Review).

(3) Any project within the form based code district proposing a total of 12,000 square feet of new construction, all floors included. (Special Exception and Site Plan Review).

(4) Any amendment to an existing discretionary plan that increases existing square footage more than 25 percent.

(5) Any project located within the form based code district area that seeks a waiver from the adopted form based code regulating development standards shall submit a complete Special Exception and Site Plan Review application for Planning Board review and action.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-557. Applicability.

(a) Any minor, major administrative type plan and/or discretionary plan, as defined in section 60-556, located within a form based code district, shall be required to submit a development review application prior to any issuance of building permits or development activity.

(b) Any development activity on or within property located with the form based code district shall be reviewed for compliance with applicable form based code or zoning ordinance regulations.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-558. Form based code development application procedure.

(a) *Administrative type plan application process.*

(1) Applicant identifies the subject property's zoning/transect district and determines what plan type the project is.

(2) Applicant reviews the project's compliance for form based code development standards, sections 60-548 through 60-552; including all sections on purpose, building placement and configuration, building frontages, external elements, lot layout, the Parking and Use Matrix Chart and administration; along with any other applicable zoning ordinance Regulations.

(3) Pre-development consultation. All administrative type plan applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the property's form based code or zoning district and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the planning office may result in the delay of acceptance, review and approval of the application.

(4) Any minor or major administrative plan or discretionary plan applicant in a form based code district shall complete and submit a cover letter describing the project, a development review application, a form based code development checklist and the appropriate application fee and number of applications to the planning office.

(5) All form based code applications will be reviewed by the planning staff for completeness and applicant will be notified within five working days if the plan is deemed complete and whether the plan is administrative or discretionary. The applicant is responsible for working with the planning staff to correct any deficiencies needed to be accepted for further review.

(6) Type 2 and 3 administrative plans will be reviewed by the appropriate city departmental staff or other relevant agencies who will recommend approving, disapproving or postponing to allow for time to correct the application. The director of planning will notify the applicant of the decision in writing within 15 calendar days of its receipt of a completed application.

(7) The director of planning shall have the authority to require an administrative plan to be considered by the planning board and notify the applicant the justifications for doing so.

(b) *Discretionary project application process.*

(1) Applicant identifies subject property's zoning/transect and determines what plan type the project is.

(2) Applicant reviews the project's compliance for the applicable form based code development standards sections 60-548 through 60-552; including all sections on purpose, building placement and configuration, building frontages, external elements, lot layout, the Parking and Use Matrix Chart and administration; along with any other applicable zoning ordinance regulations.

(3) Pre-development consultation. All potential development and project applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the form based code or zoning regulations and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the planning office may result in the delay of acceptance, review and approval of the application.

(4) Discretionary plan applicants will submit; a development review application, a form based code development checklist the appropriate application fee and number of applications to the planning office for review and consideration by the planning board according to their normal submission deadline and meeting schedule.

(5) Applications not meeting all the requirements of the form based code may include waiver as per section 60-1312 or variance requests as part of their application.

(c) *Waiver requests.*

(1) Any waiver request of form based code standards and requirements must identify what is regulation is being requested for the waiver and include a narrative explaining how the waiver, if approved, will allow the project to meet the purpose of the form based code and the objective of section 60-1277, site plan review.

(d) *Planning board approval.*

(1) The planning board shall approve, approve with conditions, disapprove or postpone based on its review of the application meeting all existing requirements, conditions, criteria and provisions of special exception, site plan review. Subdivision law and any other relevant procedural requirement of Chapter 60, Zoning, as part of its consideration of a form based code application.

(2) The planning board shall provide findings for approval or disapproval based on the application's meeting the purpose of the form based code.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 41, 3-15-2021)

Secs. 60-559—60-576. Reserved.

DIVISION 15. INDUSTRIAL DISTRICT

Sec. 60-577. Purpose.

This district is intended to provide for those manufacturing, processing, transportation and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. The exclusion of residential and commercial uses is intended to promote the economic welfare of the city by reserving especially suited areas for industry.

(Ord. of 9-21-2009, § 3.71A)

Sec. 60-578. Use regulations.

(a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:

(1) Farming of field crops, row crops, orchards and truck gardens.

(2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.

(3) Farm dwellings on premises actively farmed.

(4) Financial institutions.

(5) Office buildings.

(6) Post offices.

(7) Telephone exchanges or telephone business offices.

(8) Public transportation passenger stations.

(9) Churches or temples.

(10) Municipal uses buildings.

(11) Airports.

(12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.

(13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.

(14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.

(15) Manufacture of ceramic products, brick and cinder blocks.

(16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.

(17) Building material sales yard and contractor's equipment storage yard and plant.

(18) Research, experimental or testing laboratories.

(19) Lumber yard, including planning, milling and other processing.

(20) Ice manufacturing and storage plant.

(21) Beverage bottling plants.

(22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use solar energy generating systems less than one acre in total land area as defined in section 60-1501 in accordance with applicable FAA regulations if within the airport overlay zone.

(23) Accessory uses and buildings, including but not limited to:

a. Retail sales of products manufactured on premises.

b. Dwellings used as living quarters for caretakers or watchmen and their families.

c. Storage boxes or space trailers as defined in subsection 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.

(24) Training schools.

(25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.

(26) Any new or existing building proposed as a complex of three of more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(27) Adult use and medical marijuana cultivation, manufacturing and testing facilities subject to the requirements of chapter 14, article XVIII of this Code.

(28) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of this Code, provided that the store is located on the same parcel of land as a marijuana cultivation facility or marijuana manufacturing facility.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:

(1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.

(2) Automobile filling stations.

(3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.

(4) Restaurants and diners, including drive-in and carry-out restaurants.

(5) Retail food stores.

(6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(7) Motels and hotels.

(8) Automobile scrap yards.

(9) Off-street parking accessory, to a permitted use whether or not located on the same lot.

(10) Outdoor advertising.

(11) Junkyard.

(12) Airplane manufacture or assembly.

(13) Alcohol, methanol, or ethanol manufacture.

(14) Automobile or automotive manufacture or assembly.

(15) Brewery or distillery.

(16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(17) Machinery and machine tool manufacture.

(18) Metal fabrication plant.

(19) Municipal incinerator or sewage treatment plant.

(20) Manufacture of cosmetics, toiletries and pharmaceuticals.

(21) Asphalt batching plant.

(22) Grain processing and storage.

(23) Concrete or cement products manufacture.

(24) Coal distillation and derivation of coal products.

(25) Iron or steel foundry.

(26) Meat products manufacture.

(27) Packinghouse, including meat and poultry canning and curing, processing or freezing.

(28) Plastic and pyroxylin manufacture.

(29) Uses similar to the uses of this section and not elsewhere named in the following subsections.

(30) Accessory uses building and structures, including but not limited to:

a. Retail sales of products manufactured on the premises and products accessory to the industry.

b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.

(31) Hospital.

(32) Automobile and marine sales lots and agencies.

(33) Child day care centers over 5,000 square feet (building area).

(34) Outpatient addiction treatment clinics.

(35) Any new building of 10,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 10,000 square feet or more.

(36) Adaptive reuse of structures of community significance.

(37) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501.

(38) Public Safety Service or Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(39) Correctional Institution

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(40) Government Services

(41) Government Offices

(42) Municipal or Public Utilities and Communication Facilities

(Ord. of 9-21-2009, § 3.71B; Ord. 11-09062011-02, 9-6-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 08-05202019, 6-3-2019; Ord. No. 02-02242020, 3-2-2020; Ord. No. 11-03012021, § 35, 3-15-2021)

Sec. 60-579. Dimensional regulations.

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

(1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth.

(2) *Density.* Not more than 40 percent of the total lot area shall be covered by buildings.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or are required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge.

g. *Landscaping.* Landscaping shall be provided and maintained as follows:

1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.

2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building.

3. All lots which abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.

4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet.

5. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement. Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas.

(4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.71C; Ord. No. 11-03012021, § 36, 3-15-2021)

Secs. 60-580—60-606. Reserved.

City Council Workshop & Meeting
Agenda
March 6, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Budget and CIP (Capital Improvement Plan) Schedule Review – Phil Crowell
B. CSX Quiet Zone – Jonathan LaBonté
C. Spring Clean-up (follow up) – Denis D'Auteuil
D. Assessing Market Rate Adjustment on Multi-family Units – Karen Scammon
E. Executive Session - Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 24-03062023*
Setting the time to open the polls at 7:00 a.m. for 2023 Elections.

1. Order 25-03062023*
Appointing Chris Carson to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2024.

II. Minutes

- February 13, 2023, Regular Council Meeting
- February 17, 2023, Special Council Meeting

III. Communications, Presentations and Recognitions

- Norway Savings Bank Arena's 10 Year Anniversary
- Council Communications (about and to the community)

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

V. Unfinished Business - None

VI. New Business

1. Order 26-03062023
Authorizing the marketing of City owned property 121 Mill Street Parcel ID 221-041.

2. Order 27-03062023
Authorizing the marketing of City owned property 80 Lake Street Parcel ID 239-114.

3. Order 28-03062023
Authorizing the marketing of City owned property Rodman Road Parcel ID 198-036.

4. Public Hearing
Stable Ridge TIF District.

5. Order 29-03062023
Amending Order 151-11072022 previously adopted by the City Council on 11/07/2022 extending the date for the Planning Board to provide a recommendation on a text amendment on a proposed zoning amendment from 3/20/2023 to 4/18/2023.

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

VIII. Reports (from sub-committees to Council)

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

IX. Executive Sessions – None

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 6, 2023

Author: Sue Clements-Dallaire, City Clerk

Subject: Budget and CIP (Capital Improvement Plan) Schedule Review

---

Information: City Manager Crowell will provide the Council with the FY24 proposed Budget and CIP schedule.

City Budgetary Impacts: N/A

Staff Recommended Action: Discussion

Previous Meetings and History: N/a

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Tentative schedule

TO: Mayor and City Councilors
FROM: Phil Crowell, City Manger
RE: Council Budget Schedule
DATE: March 2, 2023

The following is a ***tentative*** budget schedule.

Date	**Time**	**Agenda Items**
March 6, 2023	5:30 PM Workshop 7:00 PM Meeting	• Budget / CIP Schedule Review
March 14, 2023	**6.00 PM**	• **ACM presents CIP to Planning Board**
March 20, 2023	5:30 PM Workshop 7:00 PM Meeting	• School Budget Presentation • City CIP Presentation
March 30, 2023	**NO MEETING**	• **CIP DEADLINE BY CHARTER**
April 3 2023	5:30 PM Workshop 7:00 PM Meeting	• CM Preliminary Budget Discussion • FY24 CIP Discussion
April 17, 2023	**HOLIDAY**	• **Meeting Canceled**
April 18, 2023 (TUESDAY RESCHEDULE)	5:30 PM Workshop 7:00 PM Meeting	• City Manager's Final Budget • Adopt CIP 5 Year Plan
April 24, 2024	**5:30 PM Special Workshop**	• **FY24 Budget Review**
April 30, 2023	**NO MEETING**	• **FINAL DAY TO SUBMIT MGR's BUDGET**
May 1, 2023	5:30 PM Workshop 7:00 PM Meeting	• Public hearing and first reading on appropriation resolve and CIP bonding
May 15, 2023	5:30 PM Workshop 7:00 PM Meeting	• Adopt the School Budget • Second reading on appropriation resolve and CIP bonding.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 8, 2023

Author: Jonathan P. LaBonte

Subject: CSX Transportation (railroad) Quiet Zone

Information: City staff and elected officials have consistently received requests from citizens and investors interested in Auburn establishing a "quiet zone" in the community. A "quiet zone" is a designation from the Federal Railroad Administration for a designating area of reduced horn use, typically targeting an improvement in quality of life for residents living near at-grade highway crossings of a railroad. Since quiet zones are initiated by the local government, any costs associated with the necessary safety improvements to achieve this status must be borne by the local government. The included memo provides further context on the recent history of this topic, and a potential pathway to evaluate this along the entirety of the CSX (former PanAM) corridor from Danville through Downtown.

City Budgetary Impacts: None at this time

Staff Recommended Action: City Council support to advance evalution of quiet zone designation, including potential at-grade highway crossing closures. (NOTE: All evaluations require public process and hearings and further City Council action)

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
March 8, 2023 Quiet Zone Memo from Transportation Systems Director
FRA Quiet Zone Information Brochure

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

TO: Mayor Jason Levesque and the Auburn City Council
FROM: Jonathan P. LaBonte, Transportation Systems Director
DATE: March 8, 2023
RE: Potential Evaluation of Quiet Zones and Targeted At-Grade Highway Rail Crossings

BACKGROUND

City staff and elected officials have consistently received requests from citizens and investors interested in Auburn establishing a "quiet zone" in the community. A "quiet zone" is a designation from the Federal Railroad Administration for a designating area of reduced horn use, typically targeting an improvement in quality of life for residents living near at-grade highway crossings of a railroad. Since quiet zones are initiated by the local government, any costs associated with the necessary safety improvements to achieve this status must be borne by the local government.

PREVIOUS EVALUATION

In 2017, ATRC was tasked with completing the initial documentation for a potential quiet zone application for downtown Auburn from Albiston Way to Spring Street. At the time, staff there noted that before a risk assessment could be calculated as part of the FRA process, each crossing must have a minimum set of safety hardware that includes, at minimum, a 'constant warning time device' (a motion sensing system with the capability of measuring train speed and providing a relatively uniform warning time to public traffic at highway-rail intersections) and a 'power-off indicator' (alerts operators that the crossing does not have power and may not be operational.) From the assessment of just those downtown, Spring Street, Hampshire Street, and Library Ave did not have a 'constant warning time device' installed. Given the significant costs associated with that, before being able to complete the risk assessment, the effort was put aside.

CURRENT OPPORTUNITY

PanAm, before its acquisition by CSX Transportation in June of 2022, had secured a federal Consolidated Rail Infrastructure and Safety (CRISI) grant of $17 million for crossing improvements from Yarmouth through Waterville, including Auburn. Due to other delays, that project had not gone forward and is not under design and planning for 2023 or 2024 construction. This introduces an opportunity to assess infrastructure needs at crossings to achieve quiet zone status and to coordinate and achieve an economy of scale with the CSX project.

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

While investors and residents in the downtown neighborhood have continued to inquire about quiet zone opportunities, no previous effort to assess options for quiet zones in Danville have been done. With residents there having also made inquiries, and the potential for residential development in south Auburn in Danville and near Exit 75 and Washington Street, staff is recommending assessing the entirety of the CSX corridor.

As noted in the background section, quiet zones, if deemed appropriate through the FRA risk assessment and calculator, required all costs be paid by the requesting authority (local government). From discussions with other Maine municipalities that have recently completed upgrades, these costs are likely $125,000 or more per crossing. Staff has reviewed all CSX at-grade crossings in Auburn and believes there is an opportunity to evaluate the closure of some crossings (due to logical alternative routes for vehicles and pedestrians and improved overall safety) and negotiate the investment of "savings" by CSX at those crossings to achieve a quiet zone investment at the remaining.

There have been preliminary conversations with CSX about this framework. City staff have also met with MaineDOT to discuss funding programs to support improved safety at rail crossings, up to and including closures. MaineDOT does not provide funding for quiet zones, aligned with FRA's rules, but closure funding could be available in FY24 or FY25.

The crossings we would evaluate closing include:

- Black Cat Road (Danville)
- Library Avenue (Downtown)
- Spring Street (Downtown)

If the City Council supports advancing this evaluation, there would be public process, including public hearings, as state statute requires public hearings for any closures of streets at railroad crossings. Staff recognizes pedestrian connectivity, public works winter maintenance operations, community parking access, landscaping and visual appeal if crossings were closed, and safety along any new travel routes would be essential to any review of implementing such an initiative. Improving quality of life for residents in our community and leveraging the alignment of CSX investments with state and federal grants could yield these improvements with little cost to Auburn when compared to the alternative.

GUIDE TO THE QUIET ZONE ESTABLISHMENT PROCESS

An Information Guide

Federal Railroad Administration
1200 New Jersey Avenue S.E.
Washington, DC 20590
Telephone: 202-493-6299
www.fra.dot.gov

Federal Railroad Administration

Highway-Rail Crossing and Trespasser Programs Division

Follow FRA on Facebook and Twitter

Purpose of the Guide

This brochure was developed to serve as a guide for local decision makers seeking a greater understanding of train horn sounding requirements and how to establish quiet zones. Its purpose is to provide a general overview and thus does not contain every detail about the quiet zone establishment process. For more detailed and authoritative information, the reader is encouraged to review the official regulations governing the use of locomotive horns at public highway-rail grade crossings and the establishment of quiet zones that are contained in 49 CFR Part 222. A copy of the rule can be downloaded or printed at http://www.fra.dot.gov/eLib/Details/L02809.

About Quiet Zones

FRA is committed to reducing the number of collisions at highway-rail grade crossings, while establishing a consistent standard for communities who opt to preserve or enhance quality of life for their residents by establishing quiet zones within which routine use of train horns at crossings is prohibited.

Federal regulation requires that locomotive horns begin sounding 15–20 seconds before entering public highway-rail grade crossings, no more than one-quarter mile in advance. Only a public authority, the governmental entity responsible for traffic control or law enforcement at the crossings, is permitted to create quiet zones.

A quiet zone is a section of a rail line at least one-half mile in length that contains one or more consecutive public highway-rail grade crossings at which locomotive horns are not routinely sounded when trains are approaching the crossings. The prohibited use of train horns at quiet zones only applies to trains when approaching and entering crossings and does not include train horn use within passenger stations or rail yards. Train horns may be sounded in emergency situations or to comply with other railroad or FRA rules even within a quiet zone. Quiet zone regulations also do not eliminate the use of locomotive bells at crossings. Therefore, a more appropriate description of a designated quiet zone would be a “reduced train horn area.”

Communities wishing to establish quiet zones must work through the appropriate public authority that is responsible for traffic control or law enforcement at the crossings.

Historical Context

Historically, railroads have sounded locomotive horns or whistles in advance of grade crossings and under other circumstances as a universal safety precaution. Some States allowed local communities to create whistle bans where the train horn was not routinely sounded. In other States, communities created whistle bans through informal agreements with railroads.

In the late 1980's, FRA observed a significant increase in nighttime train-vehicle collisions at certain gated highway-rail grade crossings on the Florida East Coast Railway (FEC) at which nighttime whistle bans had been established in accordance with State statute In 1991, FRA issued Emergency Order #15 requiring trains on the FEC to sound their horns again. The number and rate of collisions at affected crossings returned to pre-whistle ban levels.

In 1994, Congress enacted a law that required FRA to issue a Federal regulation requiring the sounding of locomotive horns at public highway-rail grade crossings. It also gave FRA the ability to provide for exceptions to that requirement by allowing communities under some circumstances to establish "quiet zones."

The Train Horn Rule became effective on June 24, 2005. The rule set nationwide standards for the sounding of train horns at public highway-rail grade crossings. This rule changed the criteria for sounding the horn from distance-based to time-based. It also set limits on the volume of a train horn. The rule also established a process for communities to obtain relief from the routine sounding of train horns by providing criteria for the establishment of quiet zones. Locomotive horns may still be used in the case of an emergency and to comply with Federal regulations or certain railroad rules.

Public Safety Considerations

Because the absence of routine horn sounding increases the risk of a crossing collision, a public authority that desires to establish a quiet zone usually will be required to mitigate this additional risk. At a minimum, each public highway–rail crossing within a quiet zone must be equipped with active warning devices: flashing lights, gates, constant warning time devices (except in rare circumstances) and power out indicators.

In order to create a quiet zone, one of the following conditions must be met

1. ***The Quiet Zone Risk Index (QZRI)*** **is less than or equal to the** ***Nationwide Significant Risk Threshold (NSRT)*** with or without additional safety measures such as Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs) described below. The QZRI is the average risk for all public highway-rail crossings in the quiet zone, including the additional risk for absence of train horns and any reduction in risk due to the risk mitigation measures. The NSRT is the level of risk calculated annually by averaging the risk at all of the Nation's public highway-rail grade crossings equipped with flashing lights and gates where train horns are routinely sounded.
2. ***The Quiet Zone Risk Index (QZRI) is less than or equal to the Risk Index With Horns (RIWH)*** with additional safety measures such as SSMs or ASMs. The RIWH is the average risk for all public highway-rail crossings in the proposed quiet zone when locomotive horns are routinely sounded.
3. ***Install SSMs at every public highway-rail crossing.*** This is the best method to reduce to reduce risks in a proposed quiet zone and to enhance safety.

SSMs are pre-approved risk reduction engineering treatments installed at certain public highway-rail crossings within the quiet zone and can help maximize safety benefits and minimize risk. SSMs include: medians or channelization devices, one-way streets with gates, four quadrant gate systems, and temporary or permanent crossing closures. Examples of SSMs are shown on the next page.

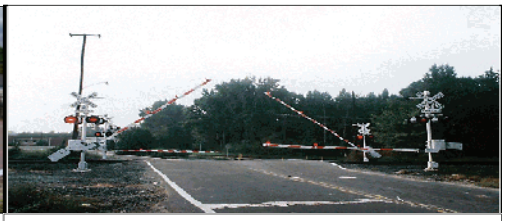
ASMs are safety systems, other than SSMs, that are used to reduce risk in a quiet zone. ASMs typically are improvements that do not fully meet the requirements to be SSMs and their risk reduction effectiveness must be submitted in writing and approved by FRA.

FRA strongly recommends that all crossings in the quiet zone be reviewed by a diagnostic team. A diagnostic team typically consists of representatives from the public authority, railroad, and State agency responsible for crossing safety and FRA grade crossing managers.

Public Safety Considerations continued

Examples of SSMs

Crossing Closure



Four Quadrant Gate System

Gates with Channelization Devices

Gates with Medians

Wayside Horns The train horn rule also provides another method for reducing the impact of routine locomotive horn sounding when trains approach public highway-rail grade crossings. A wayside horn may be installed at highway-rail grade crossings that have flashing lights, gates, constant warning time devices (except in rare circumstances), and power out indicators. The wayside horn is positioned at the crossing and will sound when the warning devices are activated. The sound is directed down the roadway, which greatly reduces the noise footprint of the audible warning. Use of wayside horns is not the same as establishing a quiet zone although they may be used within quiet zones.

Cost Considerations

The enabling Federal statute did not provide funding for the establishment of quiet zones. Public authorities seeking to establish quiet zones should be prepared to finance the installation of SSMs and ASMs used. Costs can vary from $30,000 per crossing to more than $1 million depending on the number of crossings and the types of safety improvements required.

Legal Considerations

The courts will ultimately determine who will be held liable if a collision occurs at a grade crossing located within a quiet zone, based upon the facts of each case, as a collision may have been caused by factors other than the absence of an audible warning. FRA's rule is intended to remove failure to sound the horn as a cause of action in lawsuits involving collisions that have occurred at grade crossings within duly established quiet zones.

The Quiet Zone Establishment Process

Under the Train Horn Rule, only public authorities are permitted to establish quiet zones. Citizens who wish to have a quiet zone in their neighborhood should contact their local government to pursue the establishment of a quiet zone. The following is a typical example of the steps taken to establish a quiet zone:

1. ***Determine*** which crossings will be included in the quiet zone. All public highway-rail crossings in the quiet zone must have, at a minimum, an automatic warning system consisting of flashing lights and gates. The warning systems must be equipped with constant warning time devices (except in rare circumstances) and power out indicators. The length of the quiet zone must be at least one-half mile in length.

2. ***Identify*** any private highway-rail grade crossings within the proposed quiet zone. If they allow access to the public or provide access to active industrial or commercial sites, a diagnostic review must be conducted and the crossing(s) treated in accordance with the recommendations of the diagnostic team.

3. ***Identify*** any pedestrian crossings within the proposed quiet zone and conduct a diagnostic review of those crossings too. They also must be treated in accordance with the diagnostic team's recommendations. *NOTE:* While it is not required by the regulations, FRA recommends that every crossing within a proposed quiet zone be reviewed for safety concerns.

4. ***Update*** the U.S. DOT Crossing Inventory Form to reflect current physical and operating conditions at each public, private, and pedestrian crossing located within a proposed quiet zone.

5. ***Provide*** a Notice of Intent (NOI) to all of the railroads that operate over crossings in the proposed quiet zone, the State agency responsible for highway safety and the State agency responsible for crossing safety. The NOI must list all of the crossings in the proposed quiet zone and give a brief explanation of the tentative plans for implementing improvements within the quiet zone. Additional required elements of the NOI can be found in 49 CFR 222.43(b). The railroads and State agencies have 60 days in which to provide comments to the public authority on the proposed plan.

6. ***Alternative Safety Measures*** – If ASMs are going to be used to reduce risk, an application to FRA must be made. The application must include all of the elements provided in 49 CFR 222.39(b)(1) and copies of the application must be sent to the entities listed in 49 CFR 222.39(b)(3). They will have 60 days to provide comments to FRA on the application. FRA will provide a written decision on the application typically within three to four months after it is received.

The Quiet Zone Establishment Process continued

7. ***Determine*** how the quiet zone will be established using one of the following criteria: (Note that Options 2 through 4 will require the use of the FRA Quiet Zone Calculator available at http://safetydata.fra.dot.gov/quiet/.)

1. Every public highway-rail crossing in the proposed quiet zone is equipped with one or more SSMs.
2. The Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) without installing SSMs or ASMs.
3. The QZRI of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) after the installation of SSMs or ASMs.
4. The QZRI of the proposed quiet zone is less than or equal to the Risk Index with Horns (RIWH) after the installation of SSMs or ASMs.

8. ***Complete*** the installation of SSMs and ASMs and any other required improvements determined by the diagnostic team at all public, private, and pedestrian crossings within the proposed quiet zone.

9. ***Ensure*** that the required signage at each public, private, and pedestrian crossing is installed in accordance with 49 CFR Sections 222.25, 222.27, and 222.35, and the standards outlined in the Manual on Uniform Traffic Control Devices. These signs may need to be covered until the quiet zone is in effect.

10. ***Establish*** the quiet zone by providing a Notice of Quiet Zone Establishment to all of the parties that are listed in 49 CFR Section 222.43(a)(3). Be sure to include all of the required contents in the notice as listed in 49 CFR Section 222.43(d). The quiet zone can take effect no earlier than 21 days after the date on which the Notice of Quiet Zone Establishment is mailed.

*****Appendix C to the Train Horn Rule provides detailed, step by step guidance on how to create a quiet zone.*****

Required Documentation

Public authorities interested in establishing a quiet zone are required to submit certain documentation during the establishment process. FRA has provided checklists for the various documents that can be found at http://www.fra.dot.gov/Elib/Details/L03055.

FRA's Regional Grade Crossing Managers are available to provide technical assistance. A State's department of transportation or rail regulatory agency also may be able to provide assistance to communities pursuing quiet zones.

Public authorities are encouraged to consult with the agencies in their State that have responsibility for crossing safety. Some States may have additional administrative or legal requirements that must be met in order to modify a public highway-rail grade crossing.

Role of Railroads

Communities seeking to establish a quiet zone are required to send a Notice of Intent and a Notice of Quiet Zone Establishment to railroads operating over the public highway-rail grade crossings within the proposed quiet zone. Railroad officials can provide valuable input during the quiet zone establishment process and should be included on all diagnostic teams. Listed below are links to the Class I Railroads and Amtrak.

BNSF Railway (BNSF)	Canadian Pacific (CP)
CSX Transportation (CSX)	Norfolk Southern (NS)
Canadian National (CN)	Union Pacific (UP)
Kansas City Southern (KCS)	Amtrak (ATK)

FINAL NOTE

The information contained in this brochure is provided as general guidance related to the Quiet Zone Establishment Process and should not be considered as a definitive resource. FRA strongly recommends that any public authority desiring to establish quiet zones take the opportunity to review all aspects of safety along its rail corridor. Particular attention should be given to measures that prevent trespassing on railroad tracks since investments made to establish a quiet zone may be negated if the horn has to be routinely sounded to warn trespassers.

POINTS OF CONTACT

General Questions:

Inga Toye, 202-493-6305
Debra Chappell, 202-493-6018
Ron Ries, 202-493-6285

Regional Contacts

Region 1 Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont
1-800-724-5991

Region 2 Delaware, Maryland, Ohio, Pennsylvania, Virginia, West Virginia , and Washington, D.C.
1-800-724-5992

Region 3 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee
1-800-724-5993

Region 4 Illinois, Indiana, Michigan, Minnesota, and Wisconsin
1-800-724-5040

Region 5 Arkansas, Louisiana, New Mexico, Oklahoma, and Texas
1-800-724-5995

Region 6 Colorado, Iowa, Kansas, Missouri, and Nebraska
1-800-724-5996

Region 7 Arizona, California, Nevada, and Utah
1-800-724-5997

Region 8 Alaska, Idaho, Montana, North Dakota, South Dakota, Oregon, Washington, and Wyoming
1-800-724-5998

Rail – Moving America Forward

The mission of the Federal Railroad Administration is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future.

U.S. Department of Transportation
Federal Railroad Administration

1200 New Jersey Avenue S.E.
Washington, DC 20590
Telephone: 202-493-6299
www.fra.dot.gov

Follow FRA on Facebook and Twitter

September 2013

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 6, 2023

Author: Denis D'Auteuil

Subject: Spring Clean Up 2023

Information: Public Works staff will update the City Council on the costs associated with Spring Clean Up and continue discussions on the City's new year around Bulky Waste Disposal Program for 2023.

City Budgetary Impacts: TBD

Staff Recommended Action: Discussion

Previous Meetings and History: February 13, 2023 City Council Workshop

---

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Addendum to presentation

CITY OF AUBURN

Auburn Public Works
296 Gracelawn Road

TO: **Phil Crowell, City Manager**

FROM: **Denis D'Auteuil, Public Works Director**

RE: **Bulky Waste Presentation Addendum**

DATE: **March 6, 2023**

The following information is additional information for the Bulky Waste 2023 presentation scheduled for the City Council Workshop on March 6, 2023. Public Works staff gathered the following information related to Bulky Waste Disposal Programs around Maine.

Portland

- Permit required. No fee for permit.
- Curbside collection available for free for items under 30lbs.
- Curbside collection available with permit and $40 fee for each item over 30lbs. Limited to 10 items per year per resident.
- Program runs from April through November.

South Portland

- No curbside collection
- Residents may bring bulky waste to transfer station for a fee on each bulky item to be disposed. They have a detailed fee schedule for items.
- Permit required

Lewiston

- No curbside collection
- EZ card program
- Residents may bring items to dump with EZ card
- 1,000 lb limit per household per year
- Lewiston is considering a more frequent bulky waste collection event in the Choice Neighborhood Grant area (Downtown Tree streets). This would not be a City wide program and this is being planned through a non-profit in the City associated with the Choice Neighborhood Grant.

Bangor

- No curbside collection
- Residents may bring items to the Transfer Station for a fee

Helping to keep Auburn clean, safe & beautiful

2021 Spring Clean Up

Bulky Waste Disposal: $49,376

Equipment Rental: $13,624

Fuel: $4,994

Labor:$86,214

IMPACT: STAFFING RESOURCES

Avg. 2 injuries per Spring Clean Up Collection Event

Total W/C injury costs over past 10 yrs was $338,975 for a total of 8 injuries

Currently 6 vacant positions. W/C Injuries impact operations after Spring Clean Up putting further strain on resources

IMPACT: SERVICE DELAYS

- All available resources dedicated to Spring Clean Up for minimum 2-3 weeks.
- Parks: clean up, mowing, playground repairs, and new installs delayed
- Memorial Day Preparations delayed
- Athletic mowing and lining
- Roadside mowing and ditch work
- Catch basin cleaning
- Street Sweeping
- Special Event Preparation: New Event May 6, 2023
- Residential lawn repairs- plow damage
- Norway Savings Bank Arena Special Event Support- Business to Business Trade Show
- Pothole patching

AUBURN'S HOUSEHOLD BULKY WASTE DISPOSAL PROGRAM

auburnmaine.gov

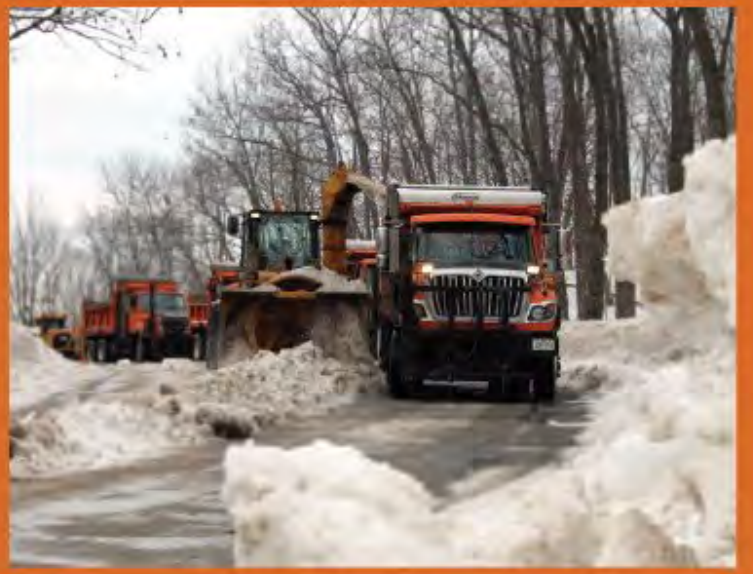
maine waste to energy

Starting April 1, 2023, Auburn residents can dispose of household bulky waste YEAR-ROUND at MWE [110 Goldthwaite Road] **at no cost.**

Monday-Friday 7am - 4pm
Saturday 7am to 12pm

QUESTIONS?

PUBLIC WORKS
CITY OF AUBURN
VESTIGIA NULLA RETRORSUM
1869
MAINE



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 6, 2023

Author: Karen Scammon, Joseph St Peter

Subject: Assessing Department 2023 updates

Information: Assessing staff will provide a power point presentation.

City Budgetary Impacts: None

Staff Recommended Action: Update and discussion.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: None

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 6, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 6, 20232 **Order:** 24-03062023

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the time for opening the polls for 2023 Elections

---

Information:
State law requires the Municipal Officers to set the time to open the polls for elections (21-A §626. Polling times). The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. It is recommended that the polls open at 7:00 A.M. in Auburn for all 2023 elections. Opening the polls at 7:00 A.M. is consistent with past practice in Auburn and it allows additional time in the morning for people to have an opportunity to vote.

City Budgetary Impacts: Minimal – the cost for Election workers to start one hour early is minimal.

Staff Recommended Action: Recommend a motion to set the time for opening the polls for all 2023 Elections to be 7:00 AM.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 24-03062023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the time for opening the polls for 2023 elections to be 7:00 AM.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 6, 20232 **Order:** 25-03062023

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Chris Carson to the Sustainability & Natural Resource Management Board (SNRB)

Information: Chris Carson has volunteered and been selected by the agriculture working group to fill the remaining term of the seat previously held by William Sylvester on the Sustainability & Natural Resource Management Board (SNRB):

Sec. 2-477. Board established. A Board is hereby established pursuant to 30-A M.R.S.A. §§ 3261—3263 to consist of six members, including representatives of the city council, planning board, and four standing working groups on agriculture, conservation, the community forest, and sustainability. The planning board chair and the mayor may either serve on this board or appoint a representative to serve as members of the SNRB for a term of two years. ***The standing working groups on agriculture, conservation, the community forest, and sustainability shall nominate one representative each for approval by the Council****; these members shall serve staggered three-year terms. There shall be one ex officio member of the board, consisting of the city manager or his/her designee.*

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to approve the appointment as nominated by the agriculture working group.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 25-03062023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Chris Carson to the Sustainability and Natural Resource Management Board with a term expiration of 4/1/2024.

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

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

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

IN COUNCIL REGULAR MEETING FEBRUARY 13, 2023, VOL. 37 PAGE 10

Mayor Levesque called the meeting to order at 7:01 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items

1. Order 21-01032023*
Re-appointing Robert Cavanagh to the Auburn Sewer District Board of Trustees, with a term expiration of 3/1/2027.

2. Order 22-01032023*
Re-appointing Jason Pawlina to the Auburn Water District Board of Trustees, with a term expiration of 3/1/2027.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the two consent items.

Passage 7-0.

II. Minutes – January 17, 2023 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Staples to approve the minutes of the January 17, 2023 Regular City Council meeting.

Passage 6-0-1 (Councilor Milks abstained as he was not present for the meeting).

III. Communications, Presentations and Recognitions

- Mayor Jason Levesque's State of the City Address which was previously recorded was presented.
- Communication from Frederick Kunas (Auburn Suburban Baseball & Softball)
- A Special City Council Meeting to be held on February 17, 2023
- Council Communications (about and to the community)

Councilor Staples congratulated the Edward Little High School basketball teams on a successful season. He also commented on the Sun Journal article regarding the warming shelter. He stated that the city did put forth a good effort and would like that to continue.

IV. Open Session

Larry Pelletier, 129 Second Street, spoke regarding an article on homelessness and read reasons why someone may become homeless. He provided a written copy.

Bruce Rioux, 85 Mary Carroll Street, would like Auburn tax payers to reimburse the Water District rate payers for the legal fees incurred due to the law suit that was initiated by the City of Lewiston.

V. Unfinished Business

1. Ordinance 24-12052022
Zoning Map Amendment - Amending a portion of 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), and Low-Density Country Residential (LDCR), zoning districts to the Suburban Residential (SR) as recommended by the Planning Board. Public hearing and second reading.

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

Public hearing –

Ryan Smith, 14 Weaver Street, spoke regarding the City Attorney's recent legal opinion and said he would like the City Council to reach out to legal counsel again or have the petitioner start the process over.

Stephen Beal, 575 Johnson Road, spoke regarding this property adding that this parcel is not suitable for suburban residential.

Razell Ward, 1372 North River Road, spoke regarding storm water runoff on Andrew Drive and stated that this lot is not suited for residential development, and she is respectfully requesting that this not be approved.

Lisa Bisson, 199 Andrew Drive, stated that there was a lack of adequate infrastructure for development at this location, the roads are narrow and there is no turnaround. She stated that the East Auburn Community respectfully requests that they not approve the zoning change.

John Cleveland, 183 Davis Avenue, discussed elevations and slope sides of this lot, there is no way to develop a road on those steep grades and there are no other abutting roads to get there adding that it is not adequate to support suburban residential construction, and he would like the City Council to reject this.

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

2. Order 165-12192022
Allocating $145,000 of ARPA (American Rescue Plan Act) funds for the acquisition of the Shovel Ready Housing Plans.

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

Public comment – No one from the public spoke.

Motion was made by Councilor Staples to postpone this item, then withdrew his motion.

Failed 1-6 (Councilors Gerry, Whiting, Hawes, Milks, Morin, Staples opposed). A roll call vote was taken.

VI. New Business

1. **Public hearing** – CDBG & HOME Annual Action Plan

Larry Pelletier, 129 Second Street, continued reading an article he found regarding homelessness.

Andy Titus, 24 Rubellite Lane, stated that this plan should have a goal and how we did against that goal when spending the money. We need to measure how the money is being used and if it is not working that is how we will know to switch to something different.

2. **Ordinance 02-02132023**
Amending the definition and use of standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/or Government Offices at a site on which the use does not currently exist. First reading.

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

Public comment – Andy Titus, 24 Rubellite Lane stated that he was disturbed about this, adding that it is far reaching, and Council will have to become involved and then it becomes politics. He said he feels it is wrong and they are rushing this through.

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

3. **Order 23-02132023**
Authorizing the City Manager to execute a CBA between the City of Auburn and the Auburn Firefighters Association Local 797.

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

Public comment – No one from the public spoke.

Passage 7-0.

VII. **Open Session** – Fred Stone, 169 Royal River Road would like to extend some of his property to rural residential, which is currently listed in the Ag zone. He said he would like to build a home on the land, but he can't because of the zoning. He also spoke about a blue building on Trapp Road that he said is an eyesore, a danger, and a fire hazard. It is boarded up now after being vandalized. He would like to know if something can be done about that property.

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

Mayor Levesque commented on the ELHS basketball games, the boys alpine ski team came in first place in KVAC's, girls came in second, and boys swimming first place, adding that it is a very busy sports season. He spoke about the Court Street traffic, and appreciates the work Jason Moen, Jonathan LaBonté, and Kris Bennett did presenting, and he reported that the Legislative Policy Committee will be working on several bills.

Councilor Gerry commented on the warming shelter and asked what will we be doing moving forward. She would like to see the City Manager come up with some other locations.

Councilor Whiting wanted to attest to Mr. Stones comment on the building on Trapp Road and said he was glad that he brought it to our attention. He also announced the new name of Museum LA is Maine Mill – Maine Museum of Innovation, Learning, and Labor.

Councilor Milks reported that we are looking for two additional Sewer District Trustees.

Councilor Morin reported that Mr. Stone lives in his ward and he encouraged him to come here to speak.

Councilor Walker said he agreed with Mr. Stone regarding his property and the warehouse that he mentioned earlier. He also reported that the Neighborhood Watch meeting will be held at the Sixth Street Congregational Church at 6:00 pm on February 23rd. The United New Auburn Association will be meeting on February 28th at Rolly's Diner. Fire Chief Chase will be the guest speaker at 6:00 pm.

Councilor Staples reported that the library committee met at the end of January, and they've been discussing fundraising events.

City Manager Crowell will provide a budget meeting schedule at the next regular meeting, he provided an update on the status of the warming center, some of the partnerships working with the city on this, and resources that are available and how we are addressing the issue.

Jill Eastman, Finance Director – January 2023 Finance Report

Motion was made by Councilor Walker and seconded by Councilor Morin to accept and place on file the January 2023 Finance Report.

Passage 7-0.

IX. Executive Sessions

Labor contract negotiations (Police Patrol), pursuant to 1 M.R.S.A. §405(6)(D).

Motion was made by Councilor Hawes and seconded by Councilor Milks to enter executive session.

Passage 7-0. Time 8:29 pm.

Council was declared out of Executive Session at 8:39 pm.

Labor contract negotiations (Police Command), pursuant to 1M.R.S.A. §405(6)(D).

Motion was made by Councilor Milks and seconded by Councilor Walker to enter executive session.

Passage 7-0. Time 8:40 pm.

Council was declared out of Executive Session at 8:48 pm.

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

Motion was made by Councilor Milks and seconded by Councilor Whiting to enter executive session.

Passage 7-0. Time 8:51 pm.

Council was declared out of Executive Session at 9:11 pm.

X. Adjournment

Motion was made by Councilor Whiting and seconded by Councilor Morin to adjourn. Unanimously approved and the meeting adjourned at 9:13 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

IN COUNCIL SPECIAL MEETING FEBRUARY 17, 2023, VOL. 37 PAGE 15

Mayor Levesque called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Moring had an excused absence. All other City Councilors were present.

5:30 P.M. City Council Meeting

Pledge of Allegiance

I. Unfinished Business

1. Ordinance 02-02132023
Amending the definition and use of standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/or Government Offices at a site on which the use does not currently exist. Public hearing and second reading.

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

Public hearing – No one from the public spoke.

Motion was made by Councilor Staples and seconded by Councilor Whiting to postpone this item to the next City Council meeting.

Motion failed 3-4 (there was a tie vote of 3-3 with Councilors Hawes, Milks, and Walker opposed, and in accordance with the City Charter, Article III, Section 3.3, Mayor Levesque voted to break the tie vote and voted in opposition).

Passage of Ordinance 02-02132023 4-2 (Councilors Gerry and Whiting opposed).

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Hawes to adjourn. Unanimously approved and the meeting adjourned at 5:35 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet
March 06, 2023

Council Workshop Date: March 6, 2023 **Orders:** 26-03062023 through 28-03062023

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of City-Owned Properties

Information: The Economic Development department has identified 3 city-owned properties that have the potential to create economic impact if sold. The Economic Development Department will market the properties to be sold via the city approved bid process.

City Budgetary Impacts: None

Staff Recommended Action: Approve the orders at the March 6, 2023 meeting.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: City Owned Properties

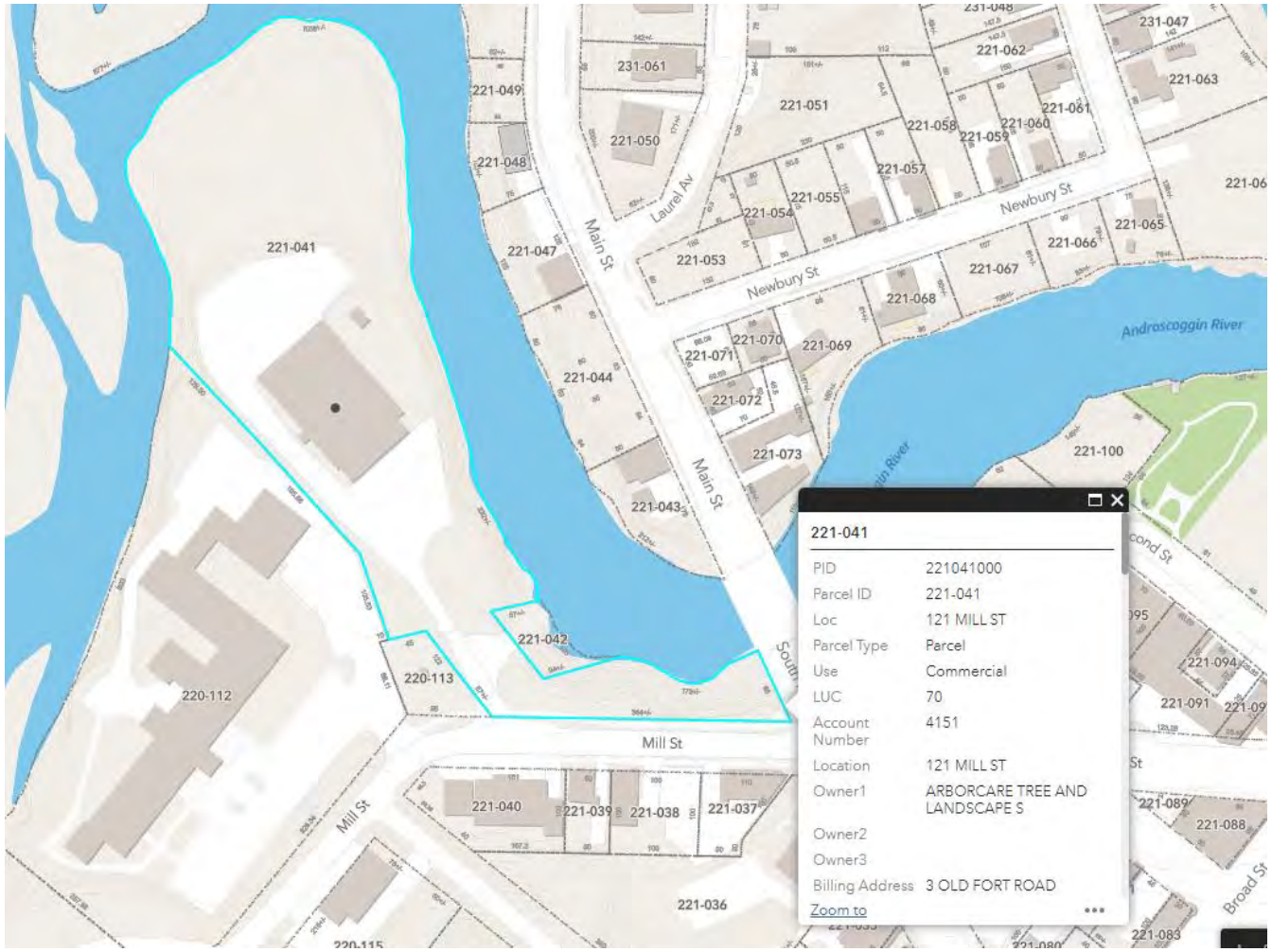
City of Auburn
Proposed Sale of City-Owned Properties
City Council Meeting: March 06, 2023

Jay Brenchick, Director of Economic Development

Subject: The City of Auburn Economic Development Department seeks approval to sell the city-owned properties below through the city's approved bid process.

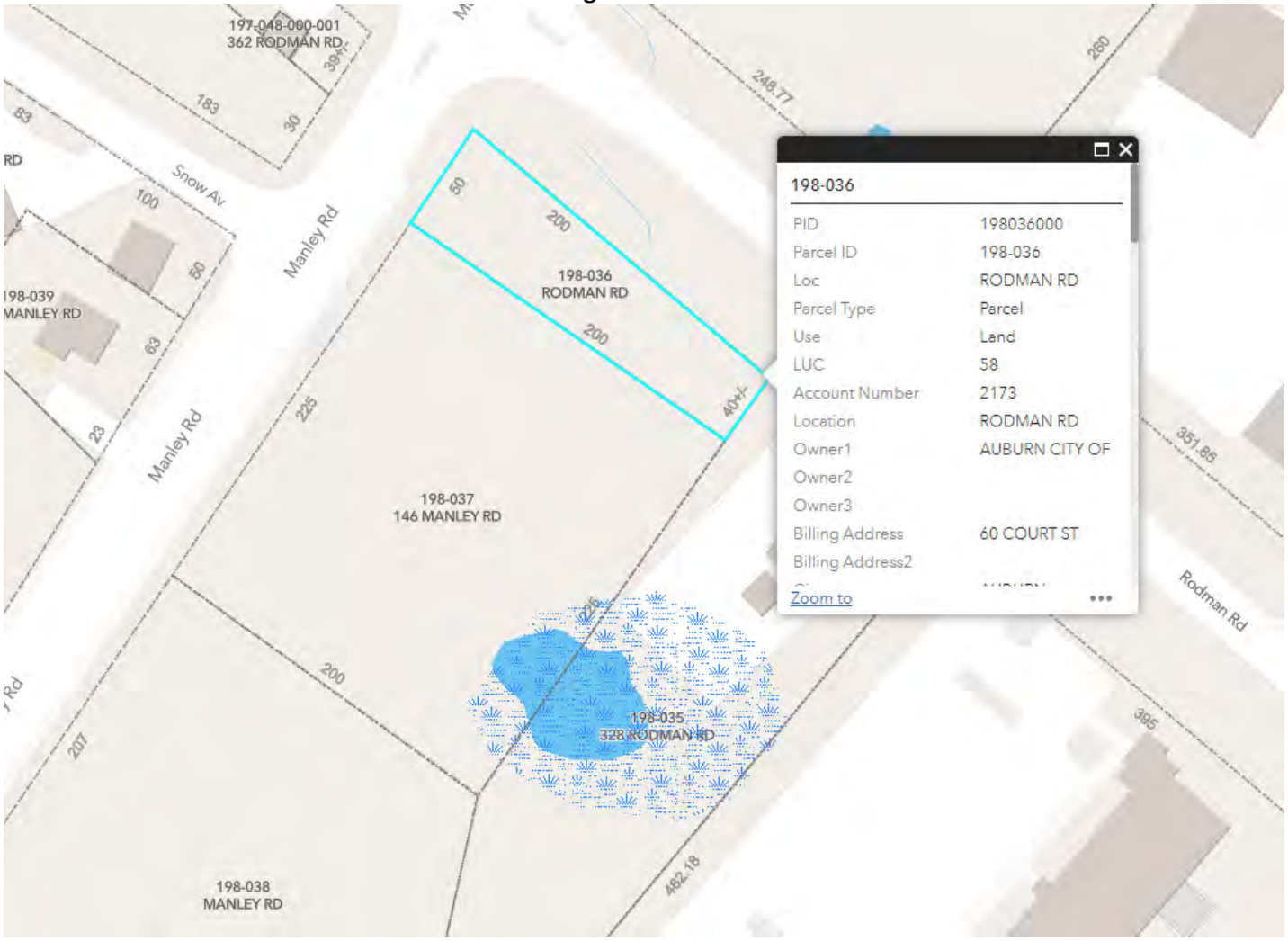
Address	Description
121 Mill Street	Parcel ID: 221-041
80 Lake Street (Lake Street School)	Parcel ID: 239-114
Rodman Rd	Parcel ID: 198-036

121 Mill Street / Parcel ID 221-041
4.58+/- Total Acres and 30,930 sf Building
Zoning: Downtown Traditional Center T-5.1



80 Lake Street / Parcel ID 239.114
Lake Street School
1.88 Acres +/- and 14,820 sf Building
Zoning: T-4 2B Traditional Neighborhood Development District

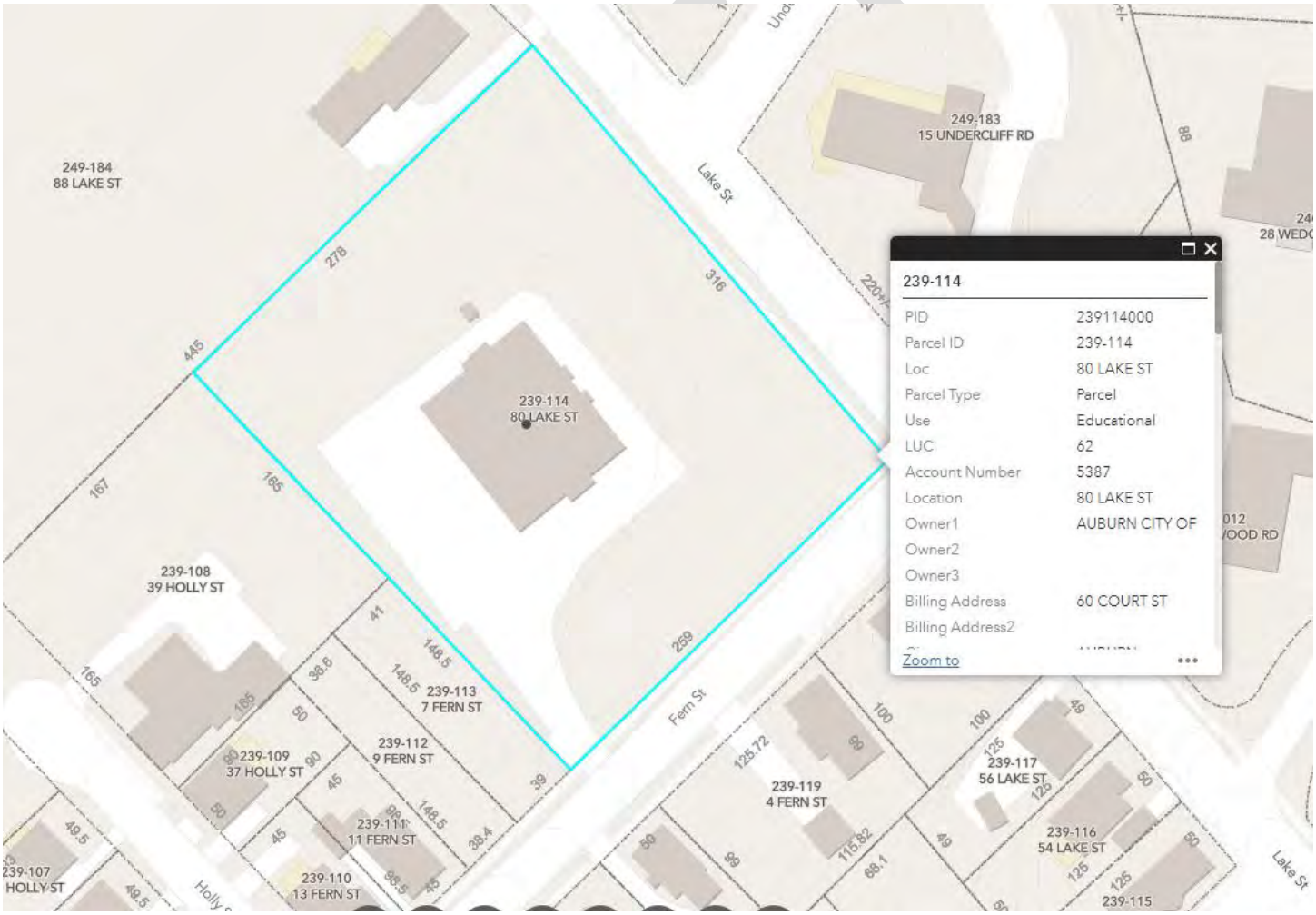
Rodman Rd / Parcel ID 198-036
.22 Acres +/-
Zoning: UR Urban Residential



City of Auburn, Maine
Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

DRAFT
REQUEST FOR PROPOSALS

DEVELOPMENT PROPOSALS FOR the acquisition and development of 80 Lake Street Auburn, ME 04210



INTRODUCTION:

The City of Auburn, Maine is seeking proposals for the acquisition and development of 80 Lake Street. This property is known as the Lake Street School. The property is currently utilized as a school but will be vacated and available for development June 2023. The site is identified as tax map parcel number 239-114. The school building is 14,820 sf and sits on 1.88 acres. Adjacent to this parcel are two more city-owned lots. They are 7 Fern Street (Property ID 239-113) and 9 Fern Street

(Property ID 239-112). Proposals that incorporate 7 and 9 Fern Street will be considered.

See the legal description attached hereto as Exhibit “A”

DEVELOPMENT GOALS:

The City of Auburn is seeking a developer with the proven skills, resources and commitment needed to renovate the school into private residential, daycare, or other use in conformance with zoning. In pursing this project, the City is seeking a developer who will assemble a team that is capable of planning, designing, financing, negotiating and managing the proposed project in a timely manner.

DRAFT

City of Auburn, Maine
Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

The development of the parcel and facility should be in conformance with the City's Traditional Neighborhood Development District Zoning (T-4.2B) and should be consistent with surrounding and/or existing uses. The Form Based Code is available on the City website at http://www.auburnmaine.gov/Pages/Government/City-Charter-Ordinances.

The City has identified the following criteria for the development of the property and the surrounding area:

1. The school structure should maintain the current historic high-quality façade.

2. The development should provide for thoughtful pedestrian connectivity.

3. Proposals must complement the character of the surrounding neighborhood and the existing infrastructure resources of the area.

4. Proposals should incorporate facets of the area's historic character in the design concept.

5. Proposals should identify anticipated assessed value created by the development and any financial assistance required to complete the development.

9. The proposal should emphasize the immediate usefulness of the subject parcels as part of a development plan that will be a tangible asset to the City and its residents and demonstrate the proposed use will provide the highest and best value to the area and meet the development goals of the developer and City.

PROPOSAL REQUIREMENTS:

The following information must be included in all proposal submissions unless otherwise provided:

1. **Detailed description** of the proposed development, a concept site plan showing orientation of all buildings, parking areas, vehicle and pedestrian access and circulation patterns, other site improvements, size of buildings and square footage of specific components, exterior building elevations and anticipated materials and design style. Provide a list of all approvals necessary, including any variances, zone change requests, subdivision approvals or special use permits required. Staff can help with this based on a specific project proposal.

The developer must also clearly identify any additional land acquisition that may be necessary to support the development and provide a clear explanation for how this land will be acquired.

DRAFT

City of Auburn, Maine
Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

If the development is proposed to be phased, the narrative should clearly define the components, timing and contingencies for each phase of development. However, the developer shall demonstrate that the project will have immediate utility for its intended purposes, rather than simply as a real property holding with no usefulness to the area or added value.

2. An **identification of the entities** that will be involved in the project, a description of the roles each will play (*e.g.* developer, architect, details of ownership and operation, property manager, tenant, professional consultant) and a summary of the team's past experience in working together. A description of each of the entities' experience in developing similar projects should be included.

Provide information on past development activities and/or projects completed for other public and/or private sector clients that shows the competency of the respondent in acting as the lead development entity, being sure to specify size, capacity and experience relevant to similar type developments. Provide references related to projects that are similar in size and scope to this project that may be contacted by the City with phone numbers and email addresses, if available.

3. A preliminary **capital pro forma** showing the detailed sources (amounts and names of banks or financial institutions) and uses of funds (debt, equity and other) to acquire the parcel(s) and construct the development (including any tenant improvements). Information as to the status of securing those funds should be included and inclusion of a conditional financing commitment is strongly encouraged.

4. A **description of the public benefits** that will result from the development, *e.g.* the number and types of housing units, the creation or retention of jobs (including the estimated number, type and wage levels), tax base enhancement, the provision of services, etc. This should include an estimate of the taxable value upon completion and annual real estate taxes.

5. A **proposed schedule** for the development, including identification of any conditions that must be met. The schedule should include the time needed to obtain financing, complete design and secure permits and approvals, prepare the site, start and complete construction, and state and complete lease-up and operations.

6. Provide a detailed explanation of any **public assistance** that will be required to support this development, including any property tax credits, credit enhancement agreements, loans or capital grants.

The contents of the proposal and any clarification to the contents submitted by the successful respondent may be incorporated by reference into an agreement between the developer and the City.

The City reserves the right to waive any of the above submission requirements.

DRAFT

City of Auburn, Maine
Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

EVALUATION CRITERIA:

All proposals submitted will be evaluated based upon the qualifications and financial strength of the developer, the technical, financial and market feasibility of the proposal, and the degree to which the development goals outlined above are addressed.

REVIEW/SELECTION PROCESS:

Review of proposals will proceed in the following steps:

1. The City will review all proposals.

2. Selected respondents may be requested to make a formal presentation of their proposal to the City Council.

3. Following the presentations, the City Council will meet to select a developer and will initiate negotiations regarding a preferred developer agreement and/or land disposition agreement.

The City shall not be responsible for any costs incurred by any submitting individual or firm in the preparation of any response to this Request for Proposals. The City reserves the right to reject any and all proposals for any reason, and to waive any irregularities or noncompliance with the Request for Proposals in the selection of any firm or individual to participate in the redevelopment of the subject property. Submissions will not be returned.

PRICE:

The City shall consider which proposal will result in an overall higher benefit than comparable proposals; Net tax revenues, overall compatibility with the neighborhood and purchase price will be considered. The City reserves the right to reject all proposals. The proposed purchase price must be included in the submitted proposal.

TIMING:

Developers can make an appointment to tour the school and property from **April 17 through April 21, 2023.**

The City plans to review initial proposals monthly as they are received and select a developer by **May 15, 2023** or reissue the RFP for additional proposals.

PROPOSAL SUBMISSION AND DEADLINE:

Three (3) complete copies of all proposals should be delivered to the City Clerk at Auburn Hall, 60 Court Street, Auburn, Maine 04210 on or before August 25, 2023.

DRAFT

City of Auburn, Maine
Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

Submission of a proposal shall constitute the consent of the submitting firm, its principals and employees to the making of inquiries and investigations by the City into the qualifications of the submitting firm, its principals and employees, including the contacting of references.

PRE-PROPOSAL INFORMATION MEETING:

The City will host a pre-proposal information meeting on **Wednesday, April 26 at 9:00 a.m.** at Auburn Hall, 60 Court Street, Auburn, Maine 04210. The meeting will be on the second floor of City Hall in the Community Room. The meeting will begin with City staff providing a brief overview of the property and goals and concluding with a question-and-answer session. Persons interested in attending this meeting are asked to contact Jenna-Rae Brown at (207) 333-6601, ext. 1156.

DRAFT

ORDER 26-03062023

City Council Order

IN CITY COUNCIL

ORDERED, the City of Auburn authorizes the marketing of 121 Mill Street Parcel ID 221-041 (city-owned property) by the Economic Development Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 27-03062023

City Council Order

IN CITY COUNCIL

ORDERED, the City of Auburn authorizes the marketing of 80 Lake Street Parcel ID 239-114 (Lake Street School/city-owned property) by the Economic Development Department.

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

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

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

ORDER 28-03062023

City Council Order

IN CITY COUNCIL

ORDERED, the City of Auburn authorizes the marketing of Rodman Road Parcel ID 198-036 (city-owned property) by the Economic Development Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 6, 2023

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

Subject: Tax increment Financing (TIF) District #27 Stable Ridge Public Hearing

---

Information: Council will hold Public Hearings on March 6, & 20, 2023, to receive public input and comment regarding the TIF District #27 Stable Ridge Development. The accompanying document outlines the plan to capture new value tax revenue and the projects within the district and benefit the whole community.

City Budgetary Impacts: NONE

Staff Recommended Action: NONE

Previous Meetings and History: NONE

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Draft TIF #27 Application

ECONOMIC DEVELOPMENT PROJECT

CITY OF AUBURN, MAINE

An Application for a Municipal Development and Tax Increment Financing District

---

TIF #27 - STABLE RIDGE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT

DEVELOPMENT PROGRAM

DRAFT

Presented to:

City Council
City of Auburn
March 20,
2023

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

1. Municipality Name: City of Auburn		
2. Address: 60 Court Street, Auburn, ME 04210		
3. Telephone: 207-333-6601	4. Fax: 207-333-6623	5. Email: gholmes@auburnmaine.gov
6. Municipal Contact Person: Glen E. Holmes, Director of Business and Community Development		
7. Business Name: **American Development Group, LLC**		
8. Address: 8 Belmont Court Auburn, ME 04210		
9. Telephone: **207-240-3965**	10. Fax: N/A	11. Email: jessicaklimek.ahi@gmail.com
12. Business Contact Person: **President & CEO Jessica Klimek**		
13. Principal Place of Business: Maine		
14. Company Structure (e.g. corporation, sub-chapter S, etc.): LLC		
15. Place of Incorporation: Maine		
16. Names of Officers: Jessica Klimek		
17. Principal Owner(s) Name: Jessica Klimek		
18. Address: 8 Belmont Court Auburn ME 04210		

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
☐ job creation	☐ job retention	☒ capital investment
☐ training investment	☒ tax base improvement	☐ public facilities improvement
☐ other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
☐ real estate purchase	☐ machinery & equipment purchase	☐ training costs
☐ debt reduction	☒ other (list): **Please refer to Table 1 in Development Program**	

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

N/A

DRAFT

Table of Contents

Development Program 1
I. Introduction 1
II. Development Program Narrative 2
A. The Development District 2
B. The Development Program 2
C. The Projects 3
D. Strategic Growth and Development 4
E. Improvements to the Public Infrastructure 4
F. Operational Components 4
1. Public Facilities 4
2. Commercial Improvements Financed Through Development Program 5
3. Relocation of Displaced Persons 5
4. Transportation Improvements 5
5. Environmental Controls 5
6. Plan of Operation 5
III. Physical Description 5
IV. Financial Plan 5
A. Costs and Sources of Revenues 6
B. Municipal Indebtedness 6
V. Financial Data 6
VI. Tax Shifts 7
VII. Municipal Approvals 7
A. Notice of Public Hearing 7
B. Minutes of Public Hearing 7
C. City Council Order 7

DRAFT

Exhibit List

Exhibit A-1	Property Map Showing District Property Relative to City Boundaries
Exhibit A-2	Property Map Showing District Property
Exhibit B	Assessor's Certificate
Exhibit C-1	Anticipated TIF Captured Assessed Values
Exhibit C-2	Projected Tax Shift Benefits
Exhibit D	Notice of Public Hearing
Exhibit E	Minutes of Public Hearing
Exhibit F	City Council Order
Exhibit G	Statutory Requirements and Thresholds Form

DRAFT

Development Program

I. Introduction

The Maine Legislature established tax increment financing as an economic development tool to be used by municipalities to: (a) provide new employment opportunities; (b) improve and broaden its tax base; and (c) improve the general economy of the State. The Legislature recognizes that the State and its municipalities benefit from a municipality's economic development partnership with a local business to promote responsible new development that (a) enhances local efforts for economic, industrial or commercial development; and (b) retains and expands the local tax base and employment opportunities.

The City of Auburn (the "City" or "Auburn") seeks to establish a Tax Increment Financing ("TIF") district to be known as the "**TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District**" (the "District"), located at 555 Court Street.

The District consists of one parcel located at 555 Court Street and is identified on City Tax Maps as Tax Map 229 Lot 007. The District is approximately 13.19 acres. The District is being developed for rental housing, Phase 1 consisting of five (5) buildings with twelve (12) apartments per building and Phase 2 consisting of five (5) buildings with twelve (12) apartments per building, a garage and recreational storage facility for use by the residents. The complex is estimated to add $14,000,000 in taxable value to the City.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain the existing tax revenues;
- Enjoy enhanced future tax revenues generated by improvements within the District;
- Enable the investment of TIF Revenues (defined below) in high priority City projects;
- Improve the overall economy of the City, the Androscoggin County region, and the State of Maine.

In addition, by creating a TIF district, the City will "shelter" the increase in municipal valuation that the development will bring about. The tax benefit provided by the District will mitigate the adverse effect that the District's increased assessed property value would have on the City's share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefit is shown as **Exhibit C-2** attached hereto.

DRAFT

II. Development Program Narrative

A. The Development District

The District will encompass approximately 13.19 acres of real property. The District is located at 555 Court Street. The District is shown in **Exhibit A-1** and **Exhibit A-2** attached hereto.

B. The Development Program

The City's designation of the District and adoption of this Development Program creates a single municipal TIF District in order to capture the value of the taxable real property improvements made within the District and to authorize the use of tax increment financing revenues for various municipal economic development projects, as well as any potential future credit enhancement agreements. The Development Program will begin with the City's 2023-2024 fiscal year on July 1, 2023 and will continue for a total of twenty (20) years, ending on June 30, 2043.

Under this Development Program, the City will capture one hundred (100%) of the increased assessed value of taxable real property over the original assessed value of the District and retain the tax revenues generated by the captured assessed value for designated economic development purposes. The calculation of TIF Revenues (as defined below) is more specifically described below in Section IV – Financial Plan. In the Assessor's Certificate attached as **Exhibit B** hereto, the Assessor has certified the original assessed value of the District.

By adopting this Development Program, the City is creating a TIF district that will: (1) maintain existing tax revenues; (2) enjoy enhanced future tax revenues generated by new development within the District; and (3) shelter the captured assessed value from impacting the overall State valuation for the City of Auburn, thereby minimizing: (a) potential decreases in the City's State school subsidy and State revenue sharing, and (b) potential increases in the City's county tax assessments and local school district contributions.

Further, approval of this Development Program and the designation of the District will have a neutral impact on the existing tax base; only the increased assessed value over the original assessed value within the District will be captured. In addition, at the end of the District and Development Program, the City expects to emerge with a substantial amount of new taxable property value to add to its municipal tax base.

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "TIF Statute"). Subsequent to a City Council vote designating the District and adopting this Development Program, evidenced by **Exhibit F** hereto, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.

DRAFT

C. The Projects

Development within the District will provide a revenue source for the City's economic development projects. The City plans to use the TIF Revenues for several projects related to economic and infrastructure development. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates.

TABLE 1
Municipal Project Costs

Project	Cost Estimate*	Statutory Citation
1. Administrative & Professional Services Costs. Costs of prorated portion of salaries of City staff for time associated with creation and administration of District, and fund costs of professional services associated with creation and administration of District. ***	$120,000	30-A M.R.S. § 5225(1)(A)(4); (1)(A)(5)
2. Economic Development Programs: Costs of the City's economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City's Economic Development Department.**	$20,000	30-A M.R.S. § 5225(1)(C)(1)
3. Road Improvements: Design, construction, engineering, other associated costs of road construction, sidewalk and pedestrian crossing safety improvements on Court Street, Park Ave., Russel Ave., Pinnacle Drive, Fairview Ave, Allen Ave., Dawes Ave., and Minot Ave. located within the District or outside the District but directly related to or made necessary by the District.***	$3,000,000	30-A M.R.S. § 5225(1)(A)(1); (1)(B)(1)

DRAFT

Project	Cost Estimate*	Statutory Citation
4. Public Safety Facility: To the extent a new public safety building or equipment is needed to serve District development, TIF revenues may support the costs of such facility whether it is located inside the District or outside the District. Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the captured assessed value of the development district.***	$250,000	30-A M.R.S. § 5225 (1)(C)(9); (1)(B)(1)
Total	**$3,390,000**	

* These are estimates only. The City may allocate revenues generated by the District across approved project cost categories as needed.
** Similar project contained within #23 Auburn Memory Care TIF, #10 Downtown Omnibus TIF, #25 Futureguard TIF and TID #26 – North River Road.
*** Similar project costs contained within TIF #25 Futureguard and TIF #26 – North River Road.

D. Strategic Growth and Development

By creating and designating the District, the City is maximizing the economic development potential of the District and the City in general. TIF Revenues from the District will be used on important City economic development projects and programs.

Further, the City's designation of a TIF district and pursuit of this Development Program constitute a good and valid public purpose described in the TIF Statute in Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the Androscoggin County Region, by providing jobs and contributing to property taxes.

E. Improvements to the Public Infrastructure

As further set forth in Table 1, the City will use certain TIF Revenues for a variety of projects, including public infrastructure improvements.

F. Operational Components

1. Public Facilities

Please refer to Table 1 to review public facilities intended to be financed with TIF Revenues.

DRAFT

2. Commercial Improvements Financed Through Development Program

No commercial improvements will be financed through the Development Program.

3. Relocation of Displaced Persons

No persons will be displaced.

4. Transportation Improvements

Certain transportation related improvements are described in Table 1.

5. Environmental Controls

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements for the City.

6. Plan of Operation

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

III. Physical Description

Municipal documents relating to the District's physical description attached as Exhibits:

(a) City of Auburn property map showing the District relative to City boundaries. **Exhibit A-1**

(b) City of Auburn property map showing the District property. **Exhibit A-2**

(c) Certification by the City of Auburn Assessor of the original assessed value of the District. **Exhibit B**.

IV. Financial Plan

The District will encompass approximately 13.19 acres of property. The original assessed value of the real property in the District was $235,500 as of March 31, 2022 (April 1, 2021). Development of the parcel is estimated to add approximately $14,000,000 of new assessed real property value to the City.

This Development Program provides that, beginning on July 1, 2023, the City will "capture" one hundred percent (100%) of the increased assessed value of real property in the District. TIF revenues will consist of property taxes paid on 100% of the increased assessed value ("TIF Revenues").

DRAFT

The reimbursement schedule provides for the Developer to receive up to fifty percent (50%) of the TIF revenues generated by the captured assessed value of real property in the District for a term not to exceed ten (10) years or until the Developer reaches an overall payment cap not to exceed $500,000, whichever occurs first. The City will retain the remainder of TIF Revenues generated by the captured assessed value of the real property located within the District for the City's economic development projects. The City will retain 100% of the TIF Revenues for the remainder of the District term after the expiration of the Credit Enhancement Agreement with the Developer.

The City will establish two Development Program Fund sub-accounts: one for the Developer reimbursement and one for the City programs and projects. Upon each payment in full as due of property taxes by the Developer, the City, based upon the allocations described above, will deposit into the Development Program Fund Developer's sub-account. The Development Program Fund Developer's sub-account is pledged to and charged with the payment of the project costs in the manner provided in 30-A M.R.S.A. § 5227(3). In each fiscal year, the City will disburse funds from the Development Program Fund sub-account to the Developer within thirty (30) business days following payment of the taxes on all captured assessed value.

The Credit Enhancement Agreement will provide for the maximum of a 10-year term of TIF revenue reimbursements to the Developer at fifty percent (50%) of the captured assessed value until payments reach an overall cap of $500,000, per **Exhibit C-1 and Exhibit C-2**. This Credit Enhancement Agreement represents reimbursement of extraordinary costs associated with infrastructure improvement and improved site access. Estimates of the increased assessed values of the District, the anticipated TIF Revenues generated by the District, the portion of the TIF revenues to be applied to the District each year, and the estimated tax shifts are shown in **Exhibit C-1 and Exhibit C-2**.

A. Costs and Sources of Revenues

Developers of District property will pay for and/or finance all costs of projects located in the District through private sources.

B. Municipal Indebtedness

The City reserves the right to issue municipal bonds in order to pay for infrastructure improvements described in Table 1. Any municipal bond issued for such project would require City Council approval.

V. Financial Data

The original assessed value of the taxable property in the District was $235,500 as of March 31, 2022 (April 1, 2021). Please find attached as **Exhibit G** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

DRAFT

VI. Tax Shifts

In accordance with Maine statutes governing the establishment of a tax increment financing district, the table set forth in **Exhibit C-2** identifies the tax shifts that are expected to result during the term of the District from the establishment of the District.

VII. Municipal Approvals

A. Notice of Public Hearing

Attached as **Exhibit D** is a certified copy of the Notice of Public Hearing held on March 6, 2023 in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the *Sun Journal*, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

B. Minutes of Public Hearing

Attached as **Exhibit E** is a certified copy of the minutes of the public hearing held on March 6, 2023, at which time the proposed District was discussed by the public.

C. City Council Order

Attached as **Exhibit F**, is an attested copy of the City Council Order adopted by the Auburn City Council at a Council Meeting duly called and held on March 6, 2023, designating the District and adopting the Development Program.

DRAFT

Exhibit A-1

(Property Map Showing District Property Relative to City Boundaries)

DRAFT

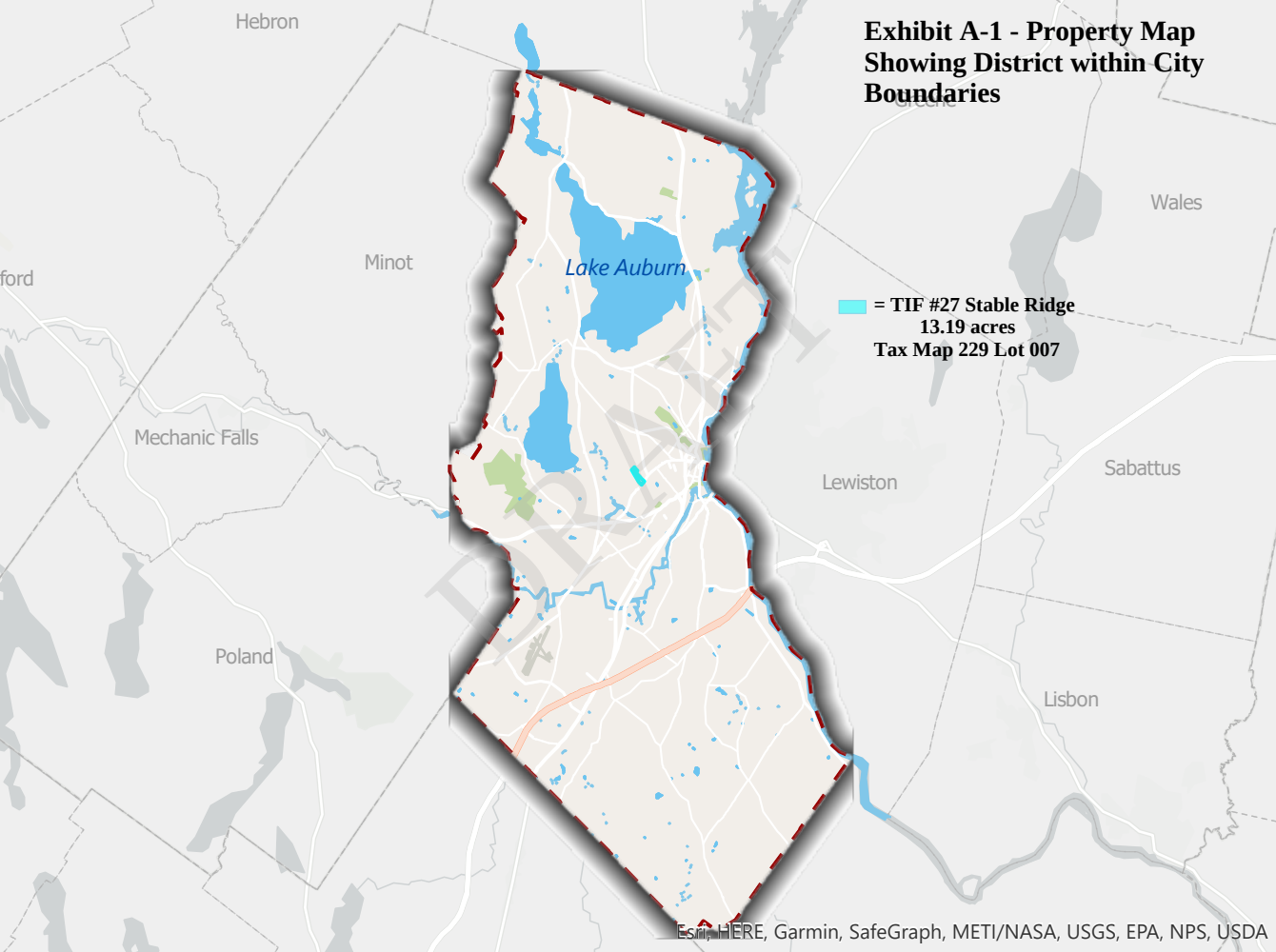


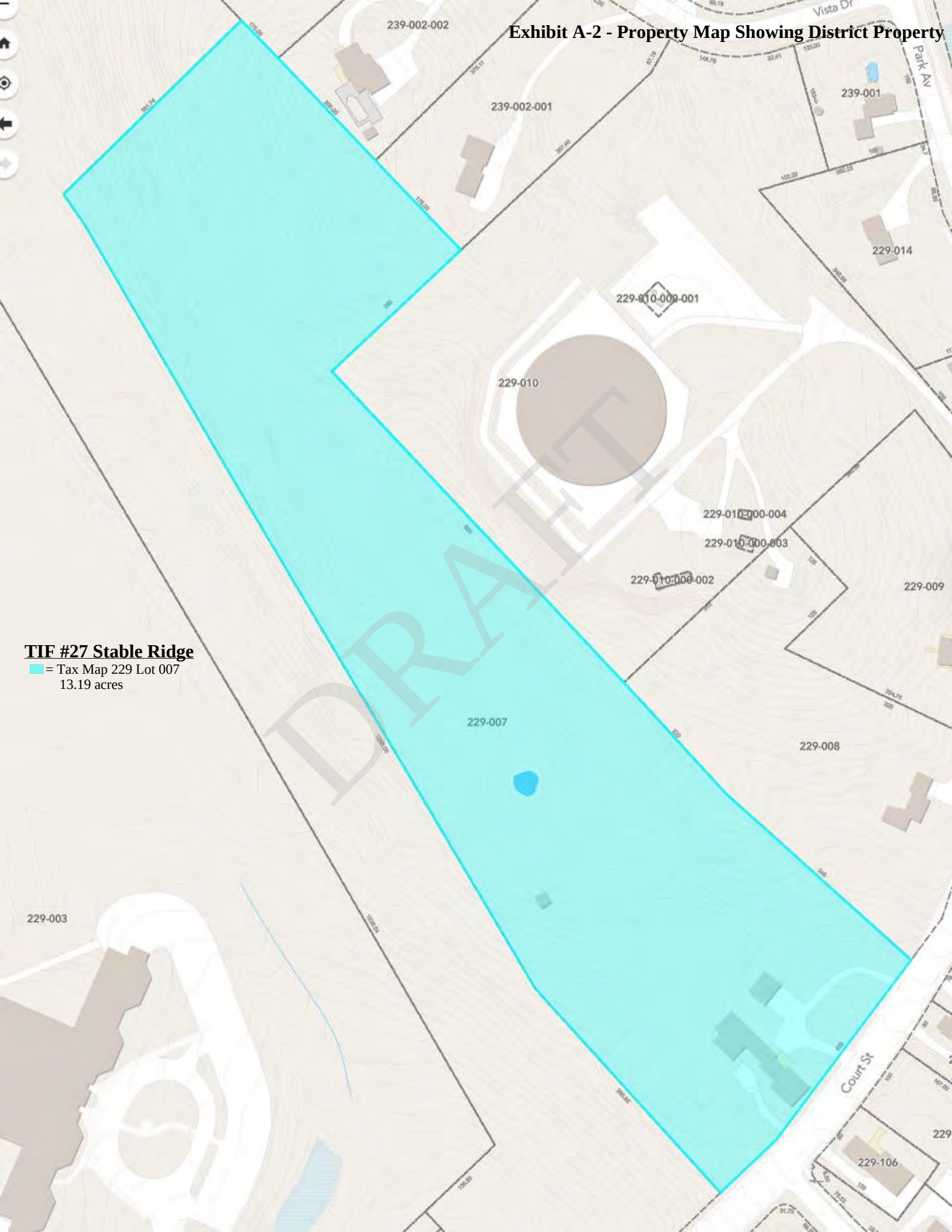
Exhibit A-1 - Property Map
Showing District within City
Boundaries
= TIF #27 Stable Ridge
13.19 acres
Tax Map 229 Lot 007
Lake Auburn
Hebron
Minot
Mechanic Falls
Poland
Lewiston
Sabattus
Lisbon
Wales
Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

Exhibit A-2

(Property Map Showing District Property)

DRAFT

Exhibit A-2 - Property Map Showing District Property



TIF #27 Stable Ridge
= Tax Map 229 Lot 007
13.19 acres

Exhibit B

(Assessor's Certificate)

DRAFT

EXHIBIT B

City of Auburn, Maine
Office of the Assessor
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

ASSESSOR'S CERTIFICATE
CITY OF AUBURN

The undersigned Assessor for the City of Auburn, Maine hereby certifies pursuant to the provisions of M.R.S.A Title 30-A § 5227(2) that:

The assessed value of taxable real property of the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District as described in the Development Program to which the Certificate is included, comprised of the approximately 13.19 acres identified on City Tax Maps as Tax Map 229, Lot 007, was **$235,500** as of March 31, 2022 (April 1, 2021).

In Witness Whereof, This Certificate has been executed as of this 24th day of February, 2023.

ASSESSOR

Karen Scammon, CMA-4, City Assessor

DRAFT

Exhibit C-1

(Anticipated TIF Captured Assessed Values)

DRAFT

Exhibit C-1 - Captured Assessed Value & TIF Revenue Projections

TIF #27 Stable Ridge TIF District – City of Auburn

Fiscal Year	TIF Year	Original Assessed Value	Projected Total Assessed Value	Projected Increased Assessed Value	Percent Captured in TIF	Estimated Assessment Ratio	TIF District Projected Captured Assessed Value	Projected Mill Rate 22/23: 22.75	Projected Total TIF Revenue	TIF Revenue to Company (50%) Years 1-10	TIF Revenue to City
2023-2024	1	$235,500	$ 2,735,500	$2,500,000	100%	100%	$2,500,000	22.75	$56,875	$28,438	$28,438
2024-2025	2	$235,500	$ 2,735,500	$2,500,000	100%	100%	$2,500,000	22.75	$56,875	$28,438	$28,438
2025-2026	3	$235,500	$ 5,235,500	$5,000,000	100%	100%	$5,000,000	22.75	$113,750	$56,875	$56,875
2026-2027	4	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2027-2028	5	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2028-2029	6	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$67,750	$250,750
2029-2030	7	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2030-2031	8	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2031-2032	9	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2032-2033	10	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2033-2034	11	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2034-2035	12	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2035-2036	13	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2036-2037	14	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2037-2038	15	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2038-2039	16	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2039-2040	17	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2040-2041	18	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2041-2042	19	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2042-2043	20	$235,500	$14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
							20-Year Projected Total:		$5,642,000	$500,000	$5,142,000
							20-Year Projected Average:		$282,100	$25,000	$257,100

Assumptions:

1. The above projections show the anticipated increased assessed values, captured assessed values, and TIF revenues throughout the term of the District. The Assessor has estimated the projected increased assessed value based on available project plans and currently available information. The final assessed value will be determined based on the actual land and improvement values after construction of phase one and phase two on the applicable April 1st.
2. The projections assumes a 20-year district term, with a 10-year credit enhancement agreement to the Developer. The credit enhancement agreement under these assumptions provides a reimbursement of 50% of the TIF revenues to the Developer and 50% to the City until the Developer reaches a cap of $500,000. The $500,000 payment cap is projected in year 6. The City will retain 100% of the TIF revenues for years 7-20 based on this projection model.
3. Projections assume a flat mill rate of 22.75 and projected certified assessment ratio of 100%.
4. Projections assume 100% of the increased assessed value is captured in the District and that TIF revenue is available for municipal project costs.
5. The preceding financial information contains projections and forward-looking statements that are subject to a number of risks and uncertainties that could cause the actual results, performance, or achievements to differ materially from any future results, performances, or achievements expressed or implied by the financial information reported in this projection. The model is not, nor intended to be, an appraisal or guarantee of an assessed value, and there may be positive or negative variations in the actual assessment of the project due to variety of factors, including without limitation the employment of alternative methods of valuation and then-current market conditions.

Exhibit C-2

(Projected Tax Shift Benefits)

DRAFT

Exhibit C-2 - Tax Shift Benefits

TIF #27 Stable Ridge TIF District – City of Auburn

Fiscal Year	TIF Year	State Aid to Education Benefit	County Tax Benefit	State Revenue Sharing Benefit	Total Tax Benefit
2023-2024	1	-	-	-	$0
2024-2025	2	-	-	-	$0
2025-2026	3	-	$2,441	$829	$3,270
2026-2027	4	$18,225	$2,441	$829	$21,495
2027-2028	5	$18,225	$4,740	$1,658	$24,623
2028-2029	6	$36,450	$13,009	$4,641	$54,099
2029-2030	7	$102,060	$13,009	$4,641	$119,709
2030-2031	8	$102,060	$13,009	$4,641	$119,709
2031-2032	9	$102,060	$13,009	$4,641	$119,709
2032-2033	10	$102,060	$13,009	$4,641	$119,709
2033-2034	11	$102,060	$13,009	$4,641	$119,709
2034-2035	12	$102,060	$13,009	$4,641	$119,709
2035-2036	13	$102,060	$13,009	$4,641	$119,709
2036-2037	14	$102,060	$13,009	$4,641	$119,709
2037-2038	15	$102,060	$13,009	$4,641	$119,709
2038-2039	16	$102,060	$13,009	$4,641	$119,709
2039-2040	17	$102,060	$13,009	$4,641	$119,709
2040-2041	18	$102,060	$13,009	$4,641	$119,709
2041-2042	19	$102,060	$13,009	$4,641	$119,709
2042-2043	20	$102,060	$13,009	$4,641	$119,709
2042-2043		$102,060	$13,009	$4,641	$119,709
2043-2044		$102,060	$13,009	$4,641	$119,709
2044-2045		$102,060	-	-	$102,060
	Totals:	**$1,807,920**	**$230,773**	**$82,206**	**$2,120,899**
	Averages:	**$90,396**	**$11,539**	**$4,110**	**$92,213**

Assumptions:

1. Data sources include the 2022-2023 mill rate/commitment reported by the City, Androscoggin County's FY2022 Budget reflecting Tax Allocation, the State Treasurer's Office Municipal Revenue Sharing projections for FY2023, published 03/17/2022, and the Maine Department of Education 02/02/2023 2023-2024 ED 279 form for Auburn Schools. Based on these projections, the City of Auburn loses approximately 37 cents out of every new tax dollar to education and state subsidy losses and increased County taxes. This loss is determined by calculating the total subsidy and County tax that would have left the City's revenue stream for this project and dividing it by the total TIF revenue generated for there District term.

2. Tax shift losses are comprised of declining subsidies in revenue sharing and increasing obligations to pay county taxes. Tax shift losses occur for a couple of years following the year in which the new assessed value is first recognized in the assessment. No tax shift losses occur when a TIF captures all of the new value.

3. The preceding financial information contains projections and forward-looking statements that are subject to a number of risks and uncertainties that could cause the actual results, performance, or achievements to differ materially from any future results, performances, or achievements expressed or implied by the financial information reported in this projection. These projections assume that the formulas and general inputs for state subsidies and county taxes do not change over time and they assume that all other values in other communities are static relative to one another except for the new value assessed. The projections are less likely to be accurate farther into the future.

4. Assumes the assessment ratio in the City is 100% when the new property value arrives, such that the market value of new property is used for assessment purposes.

Exhibit D

(Notice of Public Hearing)

DRAFT

Exhibit D

NOTICE OF PUBLIC HEARING

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

Regarding
Approval of the Municipal Development and Tax Increment Financing District known as:

"TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District"

Notice is hereby given that the City of Auburn will hold a public hearing on

March 20, 2023
at 60 Court Street Auburn , ME 04210
The Public Hearing will be at 7:00 p.m.

The purpose of the public hearing is to receive public comments on the creation of a municipal development and tax increment financing district known as the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District (the "District") and the adoption of the development program for the District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The TIF #27 Stable Ridge Municipal Development Tax Increment Financing District is comprised of approximately 13.19 acres and is located at 555 Court Street. The proposed district will consist of Phase 1 consisting of three five buildings with sixty apartments per building and Phase 2 consisting of five buildings with sixty apartments per building. This District authorizes the City Manager to enter into a credit enhancement agreement with the developer, as described in the proposed development program.

A copy of the proposed Development Program materials, , including a description of a proposed credit enhancement agreement with the developer, will be on file with the City Office during normal business hours of 8:30 am – 4:00 pm. They can also be found at https://www.auburnmaine.gov/or one can call *207-333-6601* during normal business hours to request that a copy be mailed to you. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Public comments will be taken at the hearings and written comments should be submitted to Susan Clements-Dallaire, City Clerk. Written comments will be accepted until 4:00 PM on March 20, 2023.

DRAFT

Exhibit E

(Minutes of Public Hearing)

DRAFT

Exhibit F

(City Council Order)

DRAFT

City Council Order

Approving the TIF #27 Stable Ridge Municipal Development Tax Increment Financing Development Program

WHEREAS, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the TIF #27 Stable Ridge Municipal Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, there is a need to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help to improve and broaden the tax base in the City and improve the economy of the City and the State of Maine; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the District and to adopt the Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development ("DECD"), approving the designation of the District and the adoption of the Development Program; and

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN, MAINE:

Section 1. The City hereby finds and determines that:

(a) At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and

(b) The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

(c) The aggregate original assessed value of the District plus the original assessed value of all other existing tax increment financing districts in the City does not exceed five percent (5%) of the total value of taxable property within the City as of April 1, 2021; and

(d) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined

DRAFT

that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program all as more particularly described in the Development Program presented to the City Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of increased assessed value to be retained in the District as captured assessed value and the term for which it will be retained is hereby established as set forth in the Development Program.

Section 4. The City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by DECD, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Manager be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions and corrections to the Development Program or to the scope, cost or description of the public improvements to be financed with tax increment revenues generated by the District as described in the Development Program, and to the exhibits to the Development Program, as the City Manager deems reasonably necessary or convenient, necessary in order to facilitate the process for review and approval of the District or the Development Program by DECD, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

DRAFT

This Order shall take effect immediately upon adoption.

Approved March 20, 2023, by the City Council, at a meeting duly convened and conducted in Auburn, Maine.

DRAFT

Exhibit G

(Statutory Requirements and Thresholds)

DRAFT

STATUTORY REQUIREMENTS AND THRESHOLDS

TIF #27 STABLE RIDGE MUNICIPAL TAX INCREMENT FINANCING DISTRICT

41SECTION A. | Acreage Caps		
1. Total **municipal** acreage;	41,430	
2. Acreage of **proposed** Municipal TIF District;	13.19	
3. **Downtown-designation**[1] acres in proposed Municipal TIF District;	0	
4. **Transit-Oriented Development**[2] acres in proposed Municipal TIF District;	0	
5. **Total acreage [=A2-A3-A4]** of proposed Municipal TIF District counted toward 2% limit;	13.19	
6. **Percentage [=A5÷A1]** of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).	.032%	
7. **Total acreage** of all existing/proposed Municipal TIF districts in municipality **including** Municipal Affordable Housing Development districts:[3] #6 Proctor & Gamble (Tambrands II)/84 acres #10 Downtown Omnibus/264.18 acres; #12 Auburn Industrial Park/144 acres #13 Retail Development/29.67 acres; #14 Mall Revitalization/38.91 #15 Mall Area Hotel/1.5 acres; #16 Webster School AHTIF/1.4 acres #19 Hartt Transportation Industrial Park/43 acres #20 62 Spring Street/.81; #21 477 Minot Ave/3.83 #22 Hampshire Street/1.01; #23 Memory Care/8.61 #24 Gracelawn/2.92; #25 FutureGuard/26.2 #26 North River Road Apartments/3.32; #27 Stable Ridge/13.19	Existing	653.36
	Proposed	13.19
	Total:	666.55

30-A § 5223(3) EXEMPTIONS[4]	
8. Acreage of an existing/proposed **Downtown** Municipal TIF district;	264.18
9. Acreage of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0
10. Acreage of all existing/proposed **Community Wind Power** Municipal TIF districts:	0
11. Acreage in all existing/proposed Municipal TIF districts **common to**[5] Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such acreage also factored in Exemptions 8-10 above:	0
12. **Total acreage [=A7-A8-A9-A10-A11]** of all existing/proposed Municipal TIF districts counted toward 5% limit;	402.37
13. **Percentage of total acreage [=A12÷A1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).	.971%

14. **Real property** in proposed Municipal TIF District that is:	ACRES	% **[=Acres÷A2]**
a. A blighted area;	0	0
b. In need of rehabilitation, redevelopment or conservation;	0	0
c. Suitable for commercial or arts district uses.	13.19	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		100%

*The acreages for existing TIF districts are consistent with existing approved TIF development program documentation and do not necessarily represent revisions that might result in time to acreages from updated surveys and assessing software information.

[1] Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).
[2] For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.
[3] For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.
[4] Downtown/TOD overlap nets single acreage/valuation caps exemption.
[5] PTDZ districts approved through December 31, 2008.

DRAFT

STATUTORY REQUIREMENTS AND THRESHOLDS

TIF #27 STABLE RIDGE MUNICIPAL TAX INCREMENT FINANCING DISTRICT

SECTION B. | Valuation Cap		
1. **Total TAXABLE** municipal valuation—use most recent April 1;	$2,171,967,423	
2. **Taxable Original Assessed Value (OAV)** of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	$235,500	
3. **Taxable OAV of all** existing/proposed Municipal TIF districts in municipality **excluding** Municipal Affordable Housing Development districts: #6 Proctor & Gamble (Tambrands II)/$520,900 #10 Downtown Omnibus/$83,168,800 #12 Auburn Industrial Park/$334,200 #13 Retail Development/$5,425,400 #14 Mall Revitalization/$11,328,400 #15 Mall Area Hotel/$4,900 #19 Hartt Transportation Center/$1,278,600 #20 62 Spring Street/$474,300 #23 Memory Care/$327,100 #24 Gracelawn/$262,600 #25 FutureGuard/$3,838,700 #26 North River Road Apartments/$60,300 #27 Stable Ridge/$235,500	Existing	$107,024,200
	Proposed	$235,500
	Total:	$107,259,700
30-A § 5223(3) EXEMPTIONS		
4. **Taxable OAV** of an existing/proposed **Downtown** Municipal TIF district;	$83,168,800	
5. **Taxable OAV** of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0	
6. **Taxable OAV** of all existing/proposed **Community Wind Power** Municipal TIF districts:	0	
7. **Taxable OAV** of all existing/proposed **Single Taxpayer/High Valuation**[6] Municipal TIF districts:	0	
8. **Taxable OAV** in all existing/proposed Municipal TIF districts **common to** Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such OAV also factored in Exemptions 4-7 above:	0	
9. **Total taxable OAV [=B3-B4-B5-B6-B7-B8]** of all existing/proposed Municipal TIF districts counted toward 5% limit;	$24,090,900	
10. **Percentage of total taxable OAV [=B9÷B1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).	1.109%	

DRAFT

COMPLETED BY			
PRINT NAME	Amanda J. Methot		
SIGNATURE		DATE	
If this form has **not be completed by the municipal or plantation assessor**, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME	Karen Scammon, CMA-4, City Assessor		
SIGNATURE		DATE	

[6] For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 6, 2023 **Order:** 29-03062023

Author: Eric Cousens, Director of Planning and Permitting

Subject: Directing the Planning Board to provide a recommendation on a text amendment (Amending the date and clarifying expectations on residential strip limitations of Order 151-11072022 previously adopted by the City Council on 11/7/2022)

Information: The Council on September 6, 2022, voted on a resolve (06-09062022) to direct the Planning Board to provide an opinion, no later than 3/20/2023 on whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay in an effort to try to help address the housing shortage and demand upon existing housing stock.

The Council clarified that effort on 11/7/2022 with Order 151-11072022.

In accordance with city ordinance the city council is directing the Planning Board, after consultation with the Sustainability and Natural Resource Management Board, to conduct a public hearing pursuant to Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Article XVII, Division 4 of the Zoning Ordinance to the City Council no later than April 18, 2023, instead of March 20, 2023 as previously adopted, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment, as shown on the attached proposed text changes. Eliminate the current strip zoning limitations means where there is a residential strip over a portion of a parcel, the entirety of the parcel would become residentially zoned in the same way as the strip (zoning map amendment).

City Budgetary Impacts: NA

Staff Recommended Action: NA

Previous Meetings and History: September 6, 2022, November 7, 2022

City Manager Comments: For council consideration.

Signature: Phillip Crowell Jr.

Attachments: Order 29-03062023 amending order 151-11072022 previously adopted by the City Council on 11/7/2022.

ORDER 29-03062023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby amends Order 151-11072022, previously adopted by the Auburn City Council on November 7, 2022 directing the Planning Board, after consultation with the Sustainability and Natural Resource Management Board, to conduct a public hearing pursuant to Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Article XVII, Division 4 of the Zoning Ordinance to the City Council no later than April 18, 2023, instead of March 20, 2023 as previously adopted, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment, as shown on the attached proposed text changes.

Eliminate the current strip zoning limitations means where there is a residential strip over a portion of a parcel, the entirety of the parcel would become residentially zoned in the same way as the strip (zoning map amendment).

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

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

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

City Council Workshop & Meeting
Agenda
March 20, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. School Budget Presentation –Dr. Connie Brown & Karen Mathieu
B. 5 Year Capital Improvement Plan (CIP) Presentation – Phil Crowell
C. Tax Increment Financing (TIF) and Credit Enhancement Discussion – Glen Holmes

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 30-03202023*
Confirming Chief Moen's appointments of Andrew Shute and Andrew St. Pierre as Constable with firearm/arrest powers for the Auburn Police Department.

2. Order 31-03202023*
Authorizing the City Clerk to waive the $200 business license fee for Auburn Suburban Baseball and Softball.

II. Minutes – March 6, 2023, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Council Communications (about and to the community)

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

V. Unfinished Business - None

VI. New Business

1. **Public hearing** – Stable Ridge TIF (Tax Increment Financing) District #27.

2. **Order 32-03202023**
Approving TIF (Tax Increment Financing) District #27 Stable Ridge Development.

3. **Order 33-03202023**
Approving $4,598,331 of additional costs for environmental remediation of the new high school project and authorizing general obligation bonds and a tax levy therefor. First reading.

4. **Order 34-03202023**
Authorizing the City Manager to execute the Collective Bargaining Agreement with the Fraternal Order of Police Union, Command Division, effective 07/01/2023.

5. **Order 35-03202023**
Authorizing the City Manager to execute the Collective Bargaining Agreement with the Fraternal Order of Police Union, Patrol Division, effective 07/01/2023.

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

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

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. Jill Eastman, Finance Director – February 2023 Finance Report

IX. **Executive Sessions**

1. Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City. ***Possible action will follow.***
2. Labor contract negotiations – Public Works Teamsters (Drivers), pursuant to 1 M.R.S.A. §405(6)(D).
3. Labor contract negotiations – Public Works Teamsters (Mechanics), pursuant to 1M.R.S.A. §405(6)(D).

X. **Adjournment**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023

Author: Mark Conrad, Business Manager

Subject: FY 2024 School Budget Discussion

Information: The School Committee is currently reviewing the FY 2024 budget proposal submitted by the Superintendent of Schools. The FY 2024 operating budget proposed by the Superintendent is increasing by 5.9% to $58,609,805. Article 10 – Debt Service is increasing by $2,418,801, reflecting the last increase in bonding for the new High School. Excluding debt service the budget is increasing by only 1.7%. This budget includes the cost impact of opening the new High School, and cuts 23.5 positions, including 15.5 teachers, six educational technicians, a program director (RETC), and a substance abuse counselor.

The proposed FY 2024 revenue budget includes a budget reduction in state operating subsidy of $1,174,902, driven in part by a 4.5% increase in state property valuation. The state subsidy for debt service is increasing $2,128,066. With inflationary increases, debt service increases, the cost impact of the new High School, and the loss of State operating subsidy, even with a reduction of 23.5 staff positions the total local share is increasing by 7.3%, from $18,957,683 in FY 2023 to $20,347,617 in FY 2024.

The School Committee is scheduled to approve a school budget and forward it to the City Council on May 3, 2023.

City Budgetary Impacts: TBD

Staff Recommended Action: Discussion

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Superintendent's 2023-2024 Budget Message
Budget Analysis by Warrant Article
General Fund Revenue Budget
Summary of Personnel Reductions

To: Auburn School Committee
From: Cornelia Brown PhD Superintendent of Schools
RE: Budget Message for the 2023-2024 Auburn School Department Operating Budget

Date: March 1, 2023

Introduction:

The most effective budget processes are those that are driven by clear, unambiguous goals that improve the educational experience for our students. Our staff is the most important asset we have and it follows that 80% of our costs are people-related. The budget is driven by the goals of the ASD in support of our students. This budget also seeks to limit the impact of tax increases on our taxpayers in a difficult inflationary environment for everyone, thus requiring significant budget reductions.

The Auburn School Committee established several auspicious goals:

1: Ensure that all students within the Auburn School Department are provided with a rigorous curriculum.
2: Communicate effectively to continue building and maintaining trust with all stakeholders in the Auburn School Department.
3: Create a Master Plan to address the capacity, sufficiency, and structural quality of all Auburn School Department facilities.

The Auburn School Department has much to celebrate. We deliver high-quality, research-based instruction and our efforts are truly paying off for our students. During the last three (3) years, all of our schools have seen at least double digit growth in their assessment scores and among our highest poverty schools, the gains were even greater. For example, Walton Elementary, with a poverty rate of 75% saw a 42 point gain in reading and a 32 point gain in math. Fairview Elementary, with a 92% proficiency in reading and a 91% in math, rivals the top elementary schools in the state. The Edward Little graduation rate changed from 72% (one of the lowest in the State) to near 90% and is now well above the state average. Franklin Alternative School had a perfect graduation rate of 100%.

Proposed Budget: $58,951,552

It is my pleasure to submit for your consideration my recommended operating budget to support the needs of our students in the Auburn School Department for the 2023-2024 School Year. As proposed, the Auburn School Department Budget is $58,951,552, an increase of $3,219,462 over the 2022-2023 operating budget or 5.78%. The Mil rate for education would be $9.47, an increase of .64, based on current assessed values. On a home assessed at $150,000 the increase would be $96.44.

The total debt service payment for the new Edward Little High School, opening July 1, is $9,535,714, an increase of $2,444,127 or 34.5%. The Local-only Debt Service is going from $894,187 to $1,187,586 or an increase of $293,399 or 32.8%.

As proposed, the School Department's operating personnel budget totals $36,594,945, an increase of $437,027 even after a reduction in 23.5 positions (discussed below). This recognizes the costs associated with five (5) settled contracts (Administrators, Teachers, Education Support Personnel, Transportation, and IAM), along with non-represented staff. The proposed budget includes a 15% increase in health insurance, an additional cost of $845,996.

Revenues:

The Auburn School Department is scheduled to receive $1,174,902 less in general subsidy from the Maine Department of Education (MDOE) going from the 2022-2023 budgeted amount of $28,055,7623 to the anticipated amount of $26,880,721 (not including subsidy for debt service or Adult Education). The reason for this reduction is as follows: a decrease in enrollment, an increase in the valuation of the City of Auburn, and an increase in the mil rate set by the MDOE.

I propose increasing the revenue from Fund Balance from the current budget (2022-2023) at $1,251,726 to $2,000,000 or an increase of $748,274 or 59.8%.

Reductions:

I have reduced 23.5 positions totaling $1,559,696 to help balance the proposed budget. All but 2.5 teaching positions, and the position of RETC/SOS director currently held by Lila Mitchell, are or will be vacant at the end of this school year.

Cost Centers

Pursuant to 20-A M.R.S.A Section 1485 a school budget, including a municipal school budget, is divided into eleven categories: (1) Regular Education (2) Special Education (3) Career and Technical Education (4) Other Instruction (5) Student and Staff Support (6) System Administration (7) School Administration (8) Transportation and Buses (9) Facilities Maintenance (10) Debt Service/Other Commitments and (11) all other expenditures. Adult Education is also included in the Auburn School Department Operating budget.
I will now review each Cost Center noting change(s):

Cost Center (1): Regular Instruction

Cost Center one (1) includes the cost of regular education (personnel, supplies, books, etc.). As proposed, this Cost Center has been reduced by ($946,747) or 4.61%. This reduction represents the loss of 15.5 teaching positions as follows: (.5) EACS (2) Fairview Elementary (2) Park Avenue Elementary (2) Sherwood Elementary (4) Walton Elementary (1) Washburn Elementary (1) Auburn Middle School (3) Edward Little High School. The reduction(s) are

largely based on enrollment declines. The ELHS positions are as follows: (1) Aspirations, (1) Physical Education (1) Substance Misuse Counselor*
* We have entered into a partnership with B Street to provide these services free of charge to our students. This work has already started.

Cost Center (2): Special Education

Cost Center two (2) pertains to the services required by law for special needs students. As proposed, this center is up $400,421 or 3.3%. One (1) of the largest increases relates to Out of District placements. That line is going up more than $495,000.

This Cost Center total reflects the decrease of six (6) educational technicians, one at each of the following locations: EACS, Fairview, Park Avenue, Walton, AMS, and RETC.

Expenditures Associated with Out of District Placements:

	Budget	Actual	Difference
2014-2015	$ 1,203,337.00	$ 1,301,682.55	$ (98,345.55)
2015-2016	$ 1,617,819.00	$ 1,650,831.75	$ (33,012.75)
2016-2017	$ 1,667,819.00	$ 1,964,889.81	$ (297,070.81)
2017-2018	$ 1,923,039.00	$ 2,635,915.34	$ (712,876.34)
2018-2019	$ 2,056,544.17	$ 1,916,349.20	$ 140,194.97
2019-2020	$ 2,075,490.30	$ 2,275,992.84	$ (200,502.54)
2020-2021	$ 2,410,305.00	$ 2,445,125.25	$(34,820.25)
2021-2022	$ 2,908,586.00	$ 2,047,950.00	$ 860,636
2022-2023	$3,135,490.00	—	—
2023-2024	$3,630,600.00	—	—

School Year	# of Tuition Students
2017-2018	63
2018-2019	61
2019-2020	62
2020-2021	64
2021-2022	60
2022-2023	62

2023-2024	61

Cost Center Three (3)
The Lewiston Regional Technical Center receives subsidy for our students directly from the Maine Department of Education. We do not budget any revenues or expenditures.

Cost Center Four (4): Other Instruction (Includes Athletics and Co-curricular)
Cost Center four (4) reflects a very modest increase of $307. Reductions made to Article four (4) include the elimination of the following athletic programs: EL First Team Football, EL First Team Baseball, Fall Cheer (Non Competitive), Nordic Skiing and a reduction of general supplies for a total reduction of $34,848.

Cost Center Five (5): Student and Staff Support
Cost Center Five (5) is increasing from $3,291,349 ('22) to $3,797,890 or $506,541. Notably, this cost center includes increase(s) for tuition reimbursement, supplies, and the inclusion of an Instructional Coach. This cost center reflects staff hires that were budgeted less than what the position was actually hired for. This cost center includes a position decrease of the Substance Misuse Counselor at Edward Little High School, at a savings of $78,086.

Cost Center Six (6): System Administration
Cost Center Six reflects a 0.4% decrease. The reason for this is a judgment against the School Department is now satisfied and the cost(s) no longer need to be carried in the budget. Increased cost(s) in this article include the audit fee, going from $26,000 to $35,000, or a 34.62% increase. The other increases in this cost center largely relate to salaries. The Budget for salary increases for staff not covered by collective bargaining agreements or individual contracts is three (3) %.

Cost Center Seven (7): School Administration
This cost center is going up by 3.5% or $83,702 and reflects the negotiated agreement with the Auburn Administrators' Association.

Cost Center Eight (8): Transportation and Buses
This cost center is up $369,596 or 20.5%. Among the increase(s) in this cost center, there is a new position of Assistant Transportation Coordinator, approved by the Finance Committee in the current fiscal year. This cost center recognizes the increased cost(s) for the mechanic to ensure that the ASD remained competitive with similar positions in the private sector, going from $44,803 to $74,880. With the ongoing shortage of bus drivers, the budget for contracted transportation for special education students to out-of-district placements is increasing by $90,365. Under Contracted Services, I project an increase of $62,500 for the possibility of either continuing the MOU with the City of Auburn or the need to hire a Transportation Director.

Cost Center Nine (9): Facilities and Maintenance
Cost Center Nine (9) reflects an increase of $415,527 or 7.9%. Included in this amount are three (3) additional custodians for the new Edward Little High School at an increase of $145,140, an increase in property insurance of $101,948 because of two (2) factors, inflation and the increased value of the new Edward Little High School (which accounts for over 75% of the increase). This cost center also includes a substantial increase of $403,037 in the cost of electricity, of which $271,002 is attributable to the new Edward Little High School. This account also includes an increase of $62,500 for either continuing the MOU or the need to hire a Facilities and Maintenance Director.

This account does include a decrease of $354,157 in principal and interest in capital improvement debt.

Article Ten (10) is Debt Service
The projected debt for the school system is going from $7,726,548 to $10,145,349, an increase of $2,418,349 or 31.31%. (This includes only state-approved debt service costs for Park Avenue and the new High School.)

Article Eleven (11) Crossing Guides
This Article represents the costs for Crossing Guides. The most significant decrease in this article is the reduction in Workers Compensation costs, going down $2,250.

Adult Education rounds out the proposed budget with a request of $341,747.

I look forward to working with the School Committee, the City Council and our community to bring to a successful conclusion the development of the 2023-2024 Auburn School Department Budget.

Auburn School Department

FY 2024 Budget Process

Budget Analysis by Warrant Article (Based on Superintendent's Proposed Budget)

Article	Purpose	FY 2023 Approved	FY 2024 Proposed	$ Change	% Change
1	Regular Instruction	$20,492,295	$19,545,547	($946,747)	-4.6%
2	Special Education	$12,237,270	$12,637,691	$400,421	3.3%
3	Career and Technical Education	$0	$0	$0	---
4	Other Instruction	$893,936	$894,243	$307	0.0%
5	Student and Staff Support	$3,291,349	$3,797,890	$506,541	15.4%
6	System Administration	$1,217,269	$1,212,301	($4,968)	-0.4%
7	School Administration	$2,362,172	$2,445,874	$83,702	3.5%
8	Transportation and Buses	$1,824,534	$2,194,129	$369,596	20.3%
9	Facilities Maintenance	$5,281,608	$5,697,135	$415,527	7.9%
10	Debt Service/Other Commitments	$7,726,548	$10,145,349	$2,418,801	31.3%
11	All Other Expenditures	$40,953	$39,644	($1,308)	-3.2%
	Total - Operating Budget	**$55,367,933**	**$58,609,805**	**$3,241,871**	**5.9%**
	Adult Education	$364,157	$341,747	($22,410)	-6.2%
	Total - All Articles	**$55,732,090**	**$58,951,552**	**$3,219,462**	**5.8%**

Excluding Debt Service & Adult Ed.	**$47,641,385**	**$48,464,456**	**$823,070**	**1.7%**

FY 2024 Budget Process
Auburn School Department
General Fund Revenue Budget (Superintendent's Proposed Budget)

Fiscal Year	2020-2021 Actual	2021-2022 Approved	2021-2022 Actual	2022-2023 Approved	2023-2024 Proposed	Variance	Percentage
State/EPS Model							
Subsidy	$25,975,376	$26,785,909	$28,656,518	$28,055,623	$26,880,721	($1,174,902)	-4.2%
Debt Service-ELHS	$0	$1,554,035	$1,554,035	$6,235,857	$8,385,064	$2,149,207	34.5%
Debt Service-Park Ave	$579,894	$560,117	$560,117	$534,544	$513,402	($21,141)	-4.0%
Total State	**$26,555,270**	**$28,900,061**	**$30,770,670**	**$34,826,024**	**$35,779,187**	**$953,163**	**2.7%**
Local							
Minimum Local 15671-A	$16,272,338	$16,031,338	$16,031,338	$14,867,518	$15,945,296	$1,077,777	7.2%
Local Only Debt Service	$102,473	$311,789	$311,789	$894,187	$1,187,586	$293,399	32.8%
Additional Local	$1,322,309	$1,486,251	$1,486,251	$3,195,978	$3,214,736	$18,758	0.6%
Total Local	**$17,697,120**	**$17,829,378**	**$17,829,378**	**$18,957,683**	**$20,347,617**	**$1,389,934**	**7.3%**
Other							
State Agency Client	$96,765	$30,000	$58,909	$30,000	$20,000	($10,000)	-33.3%
Spec. Ed. SOS Tuition	$90,728	$0	$0	$0	$0	$0	---
MeCare Reimbursement	$148,939	$100,000	$126,230	$100,000	$100,000	$0	0.0%
Franklin Tuition	$58,249	$46,205	$96,617	$50,000	$60,000	$10,000	20.0%
Rental Properties (RETC)	$58,000	$58,000	$58,000	$58,000	$0	($58,000)	-100.0%
Child Care	$50,000	$50,000	$50,000	$50,000	$50,000	$0	0.0%
CDS-Pre-K	$2,114	$0	$0	$0	$0	$0	---
Gate Receipts	$0	$26,700	$32,557	$24,500	$33,000	$8,500	34.7%
Revenue - Naming Rights	$0	$0	$0	$0	$200,000	$200,000	---
Miscellaneous	$20,434	$20,000	$357,657	$20,000	$20,000	$0	0.0%
Total Other	**$525,229**	**$330,905**	**$779,969**	**$332,500**	**$483,000**	**$150,500**	45.3%
Fund Balance	**$ -**	**$879,404**	**$0**	**$1,251,726**	**$2,000,000**	**$ 748,274**	**59.8%**
Total General Operating	**$44,777,619**	**$47,939,748**	**$49,380,017**	**$55,367,933**	**$58,609,805**	**$3,241,872**	**5.86%**
Adult Education							
State	$95,639	$94,616	$94,617	$94,555	$88,103	($6,452)	-6.8%
Local	$200,141	$213,702	$213,702	$207,192	$213,644	$6,452	3.1%
Other (Tuition)	$8,289	$93,300	$7,800	$62,410	$40,000	($22,410)	-35.9%
Total Adult Education	**$304,069**	**$401,618**	**$316,119**	**$364,157**	**$341,747**	**($22,410)**	**-6.15%**
Grand Total Revenue	**$45,081,688**	**$48,341,366**	**$49,696,136**	**$55,732,090**	**$58,951,552**	**$3,219,462**	**5.78%**

Fiscal Year	2020-2021 Actual	2021-2022 Approved	2021-2022 Actual	2022-2023 Approved	2023-2024 Proposed	Variance	Percentage
Increase in Lcoal Share - Debt Service				$894,187	$1,187,586	$293,399	1.5%
Increase in Local Share - Operations (Including AE)				$18,270,688	$19,373,675	$1,102,987	5.8%
				$19,164,875	**$20,561,261**	**$1,396,386**	**7.3%**
City Property Valuation (Current 2023)					2,171,967,423		
Mil Rate For Education (Total)					9.47		
Change on $150K home					0.64		$96.44

FY 2024 Budget Process
Summary of Personnel Reductions

Location	Teachers	Ed. Techs.	Other*	TOTAL	Savings
East Auburn	0.5	1.0		**1.5**	$89,422
Fairview	2.0	1.0		**3.0**	$206,994
Park Ave.	2.0	1.0		**3.0**	$179,760
Sherwood	2.0			**2.0**	$174,487
Walton	4.0	1.0		**5.0**	$343,509
Washburn	1.0			**1.0**	$78,086
AMS	1.0	1.0		**2.0**	$101,674
Franklin				**0.0**	$0
ELHS	3.0		1.0	**4.0**	$337,597
RETC (General Fund savings only)		1.0	1.0	**2.0**	$48,168
	15.5	6.0	2.0	**23.5**	$1,559,696

***Other:**

ELHS: Substance Abuse Counselor
RETC: Principal/Program Director

Status of Personnel Reductions:

Vacant Positions	10.0	6.0	1.0	17.0
Planned Retirements	3.0			3.0
Active Positions	2.5		1.0	3.5
	15.5	**6.0**	**2.0**	**23.5**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023

Author: Sue Clements-Dallaire, City Clerk

Subject: FY2024 CIP 5-YEAR PLAN

Information: City Manager Phil Crowell will provide information to the Mayor and City Council regarding the city's proposed 5-year Capital Improvement Plan.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Review the CIP plan/projects.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023

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

Subject: Tax increment Financing (TIF)/ Credit Enhancment (CEA) and Policy discussion

---

Information: Staff will present several scenarios showing the different impacts to the city form a financial perspective and review a draft TIF / CEA policy for input .

City Budgetary Impacts: NONE

Staff Recommended Action: NONE

Previous Meetings and History: January 17, 2023 presentation on how TIF's function.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Draft Policy & TIF Scenario Sheet

CITY OF AUBURN

TAX INCREMENT FINANCING

&

CREDIT ENHANCEMENT

POLICY

AND

GUIDELINES

DRAFT DOCUMENT

The following are the City of Auburn Tax Increment Financing (TIF) Policy and Credit Enhancement Agreement Application Guidelines.

I. Purpose and Introduction

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no decrease in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all of the incremental real and/or personal property tax revenues derived from new development or expansion of an existing development and provides a means of financing the economic and community development goals of Auburn as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. The captured tax revenues from a TIF District can be used to finance municipal investments and City infrastructure projects; and can also be used to provide incentive or financing to a private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines are to provide guidance and outline standards for the development of TIF's and CEA's in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with any or all of these guidelines, the creation of a TIF District or authorization of a Credit Enhancement Agreement is a policy decision of the City of Auburn to be evaluated by the City on a

case-by-case basis. Adopting this policy or any TIF District does not create a right or entitlement to assistance by any applicant.

II. Eligibility for Assistance

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of $1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that provides developers with reimbursement of a percentage of the property tax revenue paid on the increased assessed value (or incremental value) of their property. Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing shall be held to receive public comment on a completed CEA application at least ten days prior to a meeting at which the CEA is being considered for approval by the City Council.

Ill. Application Process

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing TIF District are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECD). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City, and all recommendations for TIF assistance shall be based on the merits of the project and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. They

DRAFT

will monitor ongoing investments in the development project if TIF assistance is granted.

All applicants for TIF assistance must pay a $500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee equal to 2% of the incremental tax reallocated back to the project will be assessed.

IV. Waiver of Provisions

The City of Auburn reserves the right under certain conditions to waive the provisions of the policy. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria to be considered with granting a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

V. Mandatory Guidelines

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the entire capital investments needed to undertake the project
- The project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- The developer is financially capable of undertaking the project
- The developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

DRAFT

VI. Guidelines that Determine the Level of Municipal Participation

Although the applicants' project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities that have applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

VII. Transfer of Ownership

If the applicant transfers ownership of property in the TIF District subject to a CEA to which the applicant is a party, the applicant must notify the City Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

VIII. Annual Expenditure of TIF Revenues for Municipal Projects

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.

DRAFT

TIF / CEA Scenarios

	New Tax Revenue	+/- in County Tax	+/- in Aid to School	+/- in Revenue Sharing	CEA	General Fund Impact	TIF Funding	TOTAL Funding
Scenario One - NO TIF	$ 5,869,500.00	$ 230,773.00	$ 1,807,920.00	$ 82,206.00	$ -	$ 3,748,601.00	$ -	**$ 3,748,601.00**
Scenario Two - 100% TIF	$ 5,869,500.00	$ 230,773.00	$ 1,807,920.00	$ 82,206.00	$ -	$ 2,120,899.00	$ 5,869,500.00	**$ 7,990,399.00**
Scenario Three - 100% TIF & CEA of $500,000	$ 5,869,500.00	$ 230,773.00	$ 1,807,920.00	$ 82,206.00	$ 500,000.00	$ 2,120,899.00	$ 5,369,500.00	**$ 7,490,399.00**
Scenario Four - 60% TIF	$ 5,869,500.00	$ 138,465.00	$ 1,084,752.00	$ 49,327.80		$ 3,620,344.80	$ 3,521,700.00	**$ 7,142,044.80**
Scenario Three - 60% TIF & CEA of $500,000	$ 5,869,500.00	$ 138,465.00	$ 1,084,752.00	$ 49,327.80	$ 500,000.00	$ 3,620,344.80	$ 3,021,700.00	**$ 6,642,044.80**

Funds not sheltered in the TIF will create expenses in County taxes and reductions in funding for School and State assistance.
Funds that are sheltered create reduced expenses in County taxes and prevent reductions in funding for Schools and State assistance.
General Fund Impact is defined with all things being equal what would the change in the General Fund be based on the scenarion.
TIF Funding is meant to be the funds avaialble for allowed expenses within the TIF as approved.
Total Funding is the total of both TIF funds and the impact to the General Fund.
These examples are based on a project that would increase the tax value of the city by fourteen million dollars.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023 **Order**: 30-03202023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Andrew Shute and Andrew St. Pierre as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Andrew Shute and Andrew St. Pierre as a Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Andrew Shute and Andrew St. Pierre as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
N/A

ORDER 30-03202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Chief Moen's appointments of Andrew Shute and Andrew St. Pierre both as Constable with firearm/arrest powers for the Auburn Police Department.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023 **Order:** 31-03202023

Author: Alison F. Pepin, Deputy City Clerk

Subject: Waiver of Business License Fee – Auburn Suburban Baseball/Softball

---

Information: An application for a waiver of business license fee of $200 was submitted by the Auburn Suburban Baseball/Softball, located at 4 Mount Apatite Road.

City Budgetary Impacts: $200

Staff Recommended Action: Consider waiving the fee

Previous Meetings and History: Annual request

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Application, letter of request for waiver, and the order

CITY OF AUBURN
BUSINESS LICENSE APPLICATION

Business Name: Auburn Suburban Little League

☐ NEW ☒ RENEWAL exp date 5/31/23

If new business, please provide proposed opening date. _____

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

Please check the boxes for all licenses you are applying for:

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...$100
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use oflocation.

☐ **FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** $500
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... $400
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** $1000
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☑ ***FSE(On/Off), no Alcohol**.....$200
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... $200
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Temp FSE** (Per event max 30 days).....$60

Event Name _____

Event Date _____

*__All above licenses__: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... $200

Other Business Licenses Applying for:

☐ ***Special Amusement** $125
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionaire (pg. 4.

☐ ***Pawnshop/Pawn Broker** $100

☐ ***Secondhand Dealer**..... $100

☐ ***Massage Establishment/Therapist**..... $150
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... $100
Please also include photo ID, Blood Pathogen Cert, and state license.

*__Above licenses:__ *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

☐ **Bowling Alley (fee per lane)** $85
# of lanes: _____

☐ **Roller Skating Rinks with Part/Full Kitchen**.....$90

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc**..... $100

Seating:_____ **Occupancy load:**_____

LICENSING FEE(S) TOTAL DUE: $ Fee Waiver request

NAME OF BUSINESS: AUBURN SUBURBAN BASEBALL & SOFTBALL BUSINESS ADDRESS: P.O. BOX

BUSINESS MAILING ADDRESS: PO BOX 557 STEVENS MILL RD. AUBURN ME 04210

OWNER'S NAME (LOCAL/ONSITE): FRITZ KUNAS DOB: 1.18.77 PHONE: 207 577 5853

OWNER'S ADDRESS: 432 BEECH HILL RD AUBURN ME 04210 MAILING ADDRESS: SAME

PREFERRED EMAIL: FMKUNAS@HOTMAIL.COM PO BOX 1615 AUBURN, ME 04211-1615

MANAGER'S NAME: _____ PHONE #: _____ DOB: _____

PREFERRED CONTACT NAME: SEE ABOVE PHONE #: _____

EMAIL ADDRESS: _____

DESCRIPTION OF BUSINESS: YOUTH SPORTS 501 C3 Non Profit

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): _____

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ☒ Other 503C3

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: _____ PHONE # _____

OWNER'S ADDRESS: _____

HOURS OF OPERATION: Mon: 5-8 PM Tues: 5-8 PM Wed: 5-8 PM Thurs: 5-8 PM

Fri: 5-8 PM Sat: 8-4 PM Sun: —

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ☒ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, FRITZ KUNAS (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: See Attached Letter **Date:** 3-6-2023

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

✓ Approved	_ Denied	FIRE INSPECTOR	DO 3/16/23
✓ Approved	_ Denied	CODE ENFORCEMENT OFFICER	KB 3/15/23
✓ Approved	_ Denied	POLICE	BJ 03/08
✓ Approved	_ Denied	FINANCE	EB 03/08

Comments:

Application date: 3/6/2023 License issued on:_____

Request for waiver-

Fees paid: License fee(s)_____ Public hearing fee_____ Background fee_____ Late fee_____

Total amount paid = $_____

March 6, 2023

City of Auburn
60 Court St.
Auburn, ME 04210

Honorable Mayor & City Council Members:

On behalf of Auburn Suburban Baseball & Softball (ASBS), I respectfully request a waiver of the $200.00 licensing fee for operation of our concession stand (snack shack) during the 2023 season (April 2023 - July 2023).

ASBS is a non-profit organization serving over 400 youth through competitive baseball & softball teams. Funds raised by the snack shack, staffed by volunteers, are vital to the success of our organization. Funds raised throughout the season support facility maintenance, new equipment, program expansion (Buddy Ball), uniform purchase and items/services to ensure the safety of our families and players.

I invite you to join us for a game this season, appreciate your support of ASBS and hope you will consider waiving our licensing fee this season.

Sincerely,

Fritz Kunas
ASBS President
207-577-5853

ORDER 31-03202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorized the City Clerk to waive the $200 business license fee for Auburn Suburban Baseball/Softball, located at 4 Mount Apatite Road.

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

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

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

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Staples had an excused absence. All other City Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items

1. Order 24-03062023*
Setting the time to open the polls at 7:00 a.m. for 2023 Elections.

2. Order 25-03062023*
Appointing Chris Carson to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2024.

Motion was made by Councilor Milks and seconded by Councilor Walker for passage of the two consent items.

Passage 6-0.

II. Minutes

February 13, 2023, Regular Council Meeting Minutes

Motion was made by Councilor Milks and seconded by Councilor Walker to approve the minutes of the February 13, 2023 Regular Council Meeting.

Passage 6-0.

February 17, 2023, Special Council Meeting Minutes

Motion was made by Councilor Milks and seconded by Councilor Walker to approve the minutes of the February 17, 2023 Special Council meeting.

Passage 5-0-1 (Councilor Morin abstained as he was no present at that meeting).

III. Communications, Presentations and Recognitions

Norway Savings Bank Arena's 10 Year Anniversary

Marc Gosselin, Executive Director, Community Partnerships & Sport Tourism and Karen Hakala, Senior Vice President of Marketing for Norway Savings Bank presented by unveiling the new anniversary log and introduced the new mascot, Barnabee.

Council Communications (about and to the community)

Councilor Whiting stated that he has missed out on skiing at Auburn Nordic Ski Association which has more snow than they've had in a long time.

Mayor Levesque reported that there has been great public response to the announcement of the Auburn Lobster Festival that is scheduled on May 6th at Festival Plaza beginning at noon. More information can be found at www.auburnlobsterfestival.com.

City Manager Crowell addressed the article that was in the newspaper this morning regarding biosolids in the State of Maine and the impacts it is having on communities.

IV. **Open Session** – Dave Griswold, 199 Gamage Avenue, as Chair of the Community Forest Working Group provided a summary of their 2022 accomplishments and touched on a few things the group would like to work on in 2023.

V. **Unfinished Business - None**

VI. **New Business**

1. **Order 26-03062023**
Authorizing the marketing of City owned property 121 Mill Street Parcel ID 221-041.

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

Public comment – No one from the public spoke.

Motion was made by Councilor Whiting and seconded by Councilor Gerry to amend by adding language that all offers will be reviewed and recommendations made by a neighborhood committee formed by the Mayor.

Passage 4-2 (Councilor Milks and Walker opposed).

Passage as amended, 6-0.

2. **Order 27-03062023**
Authorizing the marketing of City owned property 80 Lake Street Parcel ID 239-114.

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

Public comment – No one from the public spoke.

Motion was made by Councilor Whiting and seconded by Councilor Gerry to amend by adding language that all offers will be reviewed and recommendations made by a neighborhood committee formed by the Mayor.

Passage 4-2 (Councilor Milks and Walker opposed).

Passage as amended, 6-0.

3. **Order 28-03062023**

Authorizing the marketing of City owned property Rodman Road Parcel ID 198-036.

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

Public comment – No one from the public spoke.

Motion was made by Councilor Whiting and seconded by Councilor Gerry to amend by adding language that all offers will be reviewed and recommendations made by a neighborhood committee formed by the Mayor.

Passage 4-2 (Councilor Milks and Walker opposed).

Passage as amended, 6-0.

4. **Public Hearing**
Stable Ridge TIF District.

Mayor Levesque opened the public hearing at 7:43 pm

Andy Titus, 24 Rubelite Lane, questioned the $250,000 amount that was mentioned would go toward public safety (under allowed use of TIF dollars). He said his is not a fan of TIF's and found that it is restrictive. He added that he doesn't believe in credit enhancements at all, and added that we should TIF just a portion, maybe a 50% TIF and the rest should be available for the general fund.

Jeffrey Harmon, 34 Vista Drive, commented on a credit enhancement agreement which he stated would give a $500,000 rebate of taxes paid by the developer back to them. He said if they want to create a TIF and steer money toward improvements in the Court Street area, great, but we should not include a credit enhancement agreement.

Bob Hayes, 172 Allen Avenue stated that he finds it interesting how TIF's have evolved over the years adding that in the last decade or so, we've gone from TIF's on commercial properties to TIF's on residential properties. He stated that we have to be careful with the project that is before us being considered.

John Cleveland, 183 Davis Avenue, stated that he agrees with previous speakers. He noted that the credit enhancement agreement is transferrable, so if the current owner decides to sell the property, the credit enhancement goes to the new buyer. He went on to say that we really should think about whether we should be doing a 100% TIF. All property owners should contribute something to the ongoing expenses, and he suggested looking at a 60% TIF instead of a 100% TIF, and further suggested removing the credit enhancement agreement.

Mayor Levesque closed public hearing at 7:56 pm.

5. **Order 29-03062023**
Amending Order 151-11072022 previously adopted by the City Council on 11/07/2022 extending the date for the Planning Board to provide a recommendation on a text amendment on a proposed zoning amendment from 3/20/2023 to 4/18/2023.

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

Public comment – Ryan Smith, 14 Weaver Street, asked why this is being delayed just a month when the Planning Board said at their last meeting that they would probably need until the end of the year on this. He asked that Council vote this down and take the proper public process and the Planning Board can make a proper recommendation.

Passage 6-0.

VII. Open Session

Andy Titus, 24 Rubelite Lane, spoke regarding spring clean-up and said he thinks we should do the spring clean-up this year and notify the public that this is the last year we do spring clean-up and delay the new proposal until next year.

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported that there is a lot of legislation action happening. He stated that the decrease in educational revenue share is driven by a decrease of students. He reported on the School Committee budget. The School Committee is looking at bottom line budget increase as proposed on the school side of .64 to the mil rate.

IX. Executive Session - None

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Morin to adjourn. Unanimously approved and the meeting adjourned at 8:09 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023

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

Subject: Tax increment Financing (TIF) District #27 Stable Ridge Public Hearing

---

Information: Council will hold a Public Hearing on March 20, 2023, to receive public input and comment regarding the TIF District #27 Stable Ridge Development. The accompanying document outlines the plan to capture new value tax revenue and the projects within the district and benefit the whole community.

City Budgetary Impacts: As outlined in the proposal.

Staff Recommended Action: NONE

Previous Meetings and History: First Public Hearing held on March 6, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Draft TIF #27 Application

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023 **Order:** 32-03202023

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

Subject: Tax increment Financing District #27 Stable Ridge Development

---

Information: Order approving Tax Increment Finance District #27 Stable Ridge Development to capture 100% increased value and authority to enact a Credit Enhancement Agreement with maximum value of $500,000, ten-year term and 50% annual share.

City Budgetary Impacts: As outlined in the proposal.

Staff Recommended Action: Approve order as presented.

Previous Meetings and History: Public Hearings on March 6th and 20th, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: NONE

ECONOMIC DEVELOPMENT PROJECT

CITY OF AUBURN, MAINE

An Application for a Municipal Development and Tax Increment Financing District

---

TIF #27 - STABLE RIDGE MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT

DEVELOPMENT PROGRAM

DRAFT

Presented to:

City Council
City of Auburn
March 20, 2023

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING

A. General Information

1. Municipality Name: City of Auburn		
2. Address: 60 Court Street, Auburn, ME 04210		
3. Telephone: 207-333-6601	4. Fax: 207-333-6623	5. Email: gholmes@auburnmaine.gov
6. Municipal Contact Person: Glen E. Holmes, Director of Business and Community Development		
7. Business Name: **American Development Group, LLC**		
8. Address: 8 Belmont Court Auburn, ME 04210		
9. Telephone: **207-240-3965**	10. Fax: N/A	11. Email: jessicaklimek.ahi@gmail.com
12. Business Contact Person: **President & CEO Jessica Klimek**		
13. Principal Place of Business: Maine		
14. Company Structure (e.g. corporation, sub-chapter S, etc.): LLC		
15. Place of Incorporation: Maine		
16. Names of Officers: Jessica Klimek		
17. Principal Owner(s) Name: Jessica Klimek		
18. Address: 8 Belmont Court Auburn ME 04210		

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
☐ job creation	☐ job retention	☒ capital investment
☐ training investment	☒ tax base improvement	☐ public facilities improvement
☐ other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
☐ real estate purchase	☐ machinery & equipment purchase	☐ training costs
☐ debt reduction	☒ other (list): **Please refer to Table 1 in Development Program**	

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (*please use next page*).

N/A

DRAFT

Table of Contents

Development Program 1
I. Introduction 1
II. Development Program Narrative 2
A. The Development District 2
B. The Development Program 2
C. The Projects 3
D. Strategic Growth and Development 4
E. Improvements to the Public Infrastructure 4
F. Operational Components 4
1. Public Facilities 4
2. Commercial Improvements Financed Through Development Program 5
3. Relocation of Displaced Persons 5
4. Transportation Improvements 5
5. Environmental Controls 5
6. Plan of Operation 5
III. Physical Description 5
IV. Financial Plan 5
A. Costs and Sources of Revenues 6
B. Municipal Indebtedness 6
V. Financial Data 6
VI. Tax Shifts 7
VII. Municipal Approvals 7
A. Notice of Public Hearing 7
B. Minutes of Public Hearing 7
C. City Council Order 7

DRAFT

Exhibit List

Exhibit A-1	Property Map Showing District Property Relative to City Boundaries
Exhibit A-2	Property Map Showing District Property
Exhibit B	Assessor's Certificate
Exhibit C-1	Anticipated TIF Captured Assessed Values
Exhibit C-2	Projected Tax Shift Benefits
Exhibit D	Notice of Public Hearing
Exhibit E	Minutes of Public Hearing
Exhibit F	City Council Order
Exhibit G	Statutory Requirements and Thresholds Form

DRAFT

Development Program

I. Introduction

The Maine Legislature established tax increment financing as an economic development tool to be used by municipalities to: (a) provide new employment opportunities; (b) improve and broaden its tax base; and (c) improve the general economy of the State. The Legislature recognizes that the State and its municipalities benefit from a municipality's economic development partnership with a local business to promote responsible new development that (a) enhances local efforts for economic, industrial or commercial development; and (b) retains and expands the local tax base and employment opportunities.

The City of Auburn (the "City" or "Auburn") seeks to establish a Tax Increment Financing ("TIF") district to be known as the "**TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District**" (the "District"), located at 555 Court Street.

The District consists of one parcel located at 555 Court Street and is identified on City Tax Maps as Tax Map 229 Lot 007. The District is approximately 13.19 acres. The District is being developed for rental housing, Phase 1 consisting of five (5) buildings with twelve (12) apartments per building and Phase 2 consisting of five (5) buildings with twelve (12) apartments per building, a garage and recreational storage facility for use by the residents. The complex is estimated to add $14,000,000 in taxable value to the City.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain the existing tax revenues;
- Enjoy enhanced future tax revenues generated by improvements within the District;
- Enable the investment of TIF Revenues (defined below) in high priority City projects;
- Improve the overall economy of the City, the Androscoggin County region, and the State of Maine.

In addition, by creating a TIF district, the City will "shelter" the increase in municipal valuation that the development will bring about. The tax benefit provided by the District will mitigate the adverse effect that the District's increased assessed property value would have on the City's share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefit is shown as **Exhibit C-2** attached hereto.

DRAFT

II. Development Program Narrative

A. The Development District

The District will encompass approximately 13.19 acres of real property. The District is located at 555 Court Street. The District is shown in **Exhibit A-1** and **Exhibit A-2** attached hereto.

B. The Development Program

The City's designation of the District and adoption of this Development Program creates a single municipal TIF District in order to capture the value of the taxable real property improvements made within the District and to authorize the use of tax increment financing revenues for various municipal economic development projects, as well as any potential future credit enhancement agreements. The Development Program will begin with the City's 2023-2024 fiscal year on July 1, 2023 and will continue for a total of twenty (20) years, ending on June 30, 2043.

Under this Development Program, the City will capture one hundred (100%) of the increased assessed value of taxable real property over the original assessed value of the District and retain the tax revenues generated by the captured assessed value for designated economic development purposes. The calculation of TIF Revenues (as defined below) is more specifically described below in Section IV – Financial Plan. In the Assessor's Certificate attached as **Exhibit B** hereto, the Assessor has certified the original assessed value of the District.

By adopting this Development Program, the City is creating a TIF district that will: (1) maintain existing tax revenues; (2) enjoy enhanced future tax revenues generated by new development within the District; and (3) shelter the captured assessed value from impacting the overall State valuation for the City of Auburn, thereby minimizing: (a) potential decreases in the City's State school subsidy and State revenue sharing, and (b) potential increases in the City's county tax assessments and local school district contributions.

Further, approval of this Development Program and the designation of the District will have a neutral impact on the existing tax base; only the increased assessed value over the original assessed value within the District will be captured. In addition, at the end of the District and Development Program, the City expects to emerge with a substantial amount of new taxable property value to add to its municipal tax base.

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "TIF Statute"). Subsequent to a City Council vote designating the District and adopting this Development Program, evidenced by **Exhibit F** hereto, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.

DRAFT

C. The Projects

Development within the District will provide a revenue source for the City's economic development projects. The City plans to use the TIF Revenues for several projects related to economic and infrastructure development. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates.

TABLE 1
Municipal Project Costs

Project	Cost Estimate*	Statutory Citation
1. Administrative & Professional Services Costs. Costs of prorated portion of salaries of City staff for time associated with creation and administration of District, and fund costs of professional services associated with creation and administration of District. ***	$120,000	30-A M.R.S. § 5225(1)(A)(4); (1)(A)(5)
2. Economic Development Programs: Costs of the City's economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City's Economic Development Department.**	$20,000	30-A M.R.S. § 5225(1)(C)(1)
3. Road Improvements: Design, construction, engineering, other associated costs of road construction, sidewalk and pedestrian crossing safety improvements on Court Street, Park Ave., Russel Ave., Pinnacle Drive, Fairview Ave, Allen Ave., Dawes Ave., and Minot Ave. located within the District or outside the District but directly related to or made necessary by the District.***	$3,000,000	30-A M.R.S. § 5225(1)(A)(1); (1)(B)(1)

DRAFT

Project	Cost Estimate*	Statutory Citation
4. Public Safety Facility: To the extent a new public safety building or equipment is needed to serve District development, TIF revenues may support the costs of such facility whether it is located inside the District or outside the District. Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the captured assessed value of the development district.***	$250,000	30-A M.R.S. § 5225 (1)(C)(9); (1)(B)(1)
Total	**$3,390,000**	

* These are estimates only. The City may allocate revenues generated by the District across approved project cost categories as needed.
** Similar project contained within #23 Auburn Memory Care TIF, #10 Downtown Omnibus TIF, #25 Futureguard TIF and TID #26 – North River Road.
*** Similar project costs contained within TIF #25 Futureguard and TIF #26 – North River Road.

D. Strategic Growth and Development

By creating and designating the District, the City is maximizing the economic development potential of the District and the City in general. TIF Revenues from the District will be used on important City economic development projects and programs.

Further, the City's designation of a TIF district and pursuit of this Development Program constitute a good and valid public purpose described in the TIF Statute in Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the Androscoggin County Region, by providing jobs and contributing to property taxes.

E. Improvements to the Public Infrastructure

As further set forth in Table 1, the City will use certain TIF Revenues for a variety of projects, including public infrastructure improvements.

F. Operational Components

1. Public Facilities

Please refer to Table 1 to review public facilities intended to be financed with TIF Revenues.

DRAFT

2. Commercial Improvements Financed Through Development Program

No commercial improvements will be financed through the Development Program.

3. Relocation of Displaced Persons

No persons will be displaced.

4. Transportation Improvements

Certain transportation related improvements are described in Table 1.

5. Environmental Controls

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements for the City.

6. Plan of Operation

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

III. Physical Description

Municipal documents relating to the District's physical description attached as Exhibits:

(a) City of Auburn property map showing the District relative to City boundaries. **Exhibit A-1**

(b) City of Auburn property map showing the District property. **Exhibit A-2**

(c) Certification by the City of Auburn Assessor of the original assessed value of the District. **Exhibit B**.

IV. Financial Plan

The District will encompass approximately 13.19 acres of property. The original assessed value of the real property in the District was $235,500 as of March 31, 2022 (April 1, 2021). Development of the parcel is estimated to add approximately $14,000,000 of new assessed real property value to the City.

This Development Program provides that, beginning on July 1, 2023, the City will "capture" one hundred percent (100%) of the increased assessed value of real property in the District. TIF revenues will consist of property taxes paid on 100% of the increased assessed value ("TIF Revenues").

DRAFT

The reimbursement schedule provides for the Developer to receive up to fifty percent (50%) of the TIF revenues generated by the captured assessed value of real property in the District for a term not to exceed ten (10) years or until the Developer reaches an overall payment cap not to exceed $500,000, whichever occurs first. The City will retain the remainder of TIF Revenues generated by the captured assessed value of the real property located within the District for the City's economic development projects. The City will retain 100% of the TIF Revenues for the remainder of the District term after the expiration of the Credit Enhancement Agreement with the Developer.

The City will establish two Development Program Fund sub-accounts: one for the Developer reimbursement and one for the City programs and projects. Upon each payment in full as due of property taxes by the Developer, the City, based upon the allocations described above, will deposit into the Development Program Fund Developer's sub-account. The Development Program Fund Developer's sub-account is pledged to and charged with the payment of the project costs in the manner provided in 30-A M.R.S.A. § 5227(3). In each fiscal year, the City will disburse funds from the Development Program Fund sub-account to the Developer within thirty (30) business days following payment of the taxes on all captured assessed value.

The Credit Enhancement Agreement will provide for a maximum of a 10-year term of TIF revenue reimbursements to the Developer at no more than fifty percent (50%) of the captured assessed value until payments reach a cap not to exceed $500,000, per **Exhibit C-1 and Exhibit C-2**. The Credit Enhancement Agreement represents reimbursement of extraordinary costs associated with infrastructure improvement and improved site access. Estimates of the increased assessed values of the District, the anticipated TIF Revenues generated by the District, the portion of the TIF revenues to be applied to the District each year, and the estimated tax shifts are shown in **Exhibit C-1 and Exhibit C-2.**

A. Costs and Sources of Revenues

Developers of District property will pay for and/or finance all costs of projects located in the District through private sources.

B. Municipal Indebtedness

The City reserves the right to issue municipal bonds in order to pay for infrastructure improvements described in Table 1. Any municipal bond issued for such project would require City Council approval.

V. Financial Data

The original assessed value of the taxable property in the District was $235,500 as of March 31, 2022 (April 1, 2021). Please find attached as **Exhibit G** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

DRAFT

VI. Tax Shifts

In accordance with Maine statutes governing the establishment of a tax increment financing district, the table set forth in **Exhibit C-2** identifies the tax shifts that are expected to result during the term of the District from the establishment of the District.

VII. Municipal Approvals

A. Notice of Public Hearing

Attached as **Exhibit D** is a certified copy of the Notice of Public Hearing held on March 20, 2023 in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the *Sun Journal*, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

B. Minutes of Public Hearing

Attached as **Exhibit E** is a certified copy of the minutes of the public hearing held on March 20, 2023, at which time the proposed District was discussed by the public.

C. City Council Order

Attached as **Exhibit F**, is an attested copy of the City Council Order adopted by the Auburn City Council at a Council Meeting duly called and held on March 20, 2023, designating the District and adopting the Development Program.

DRAFT

Exhibit A-1

(Property Map Showing District Property Relative to City Boundaries)

DRAFT

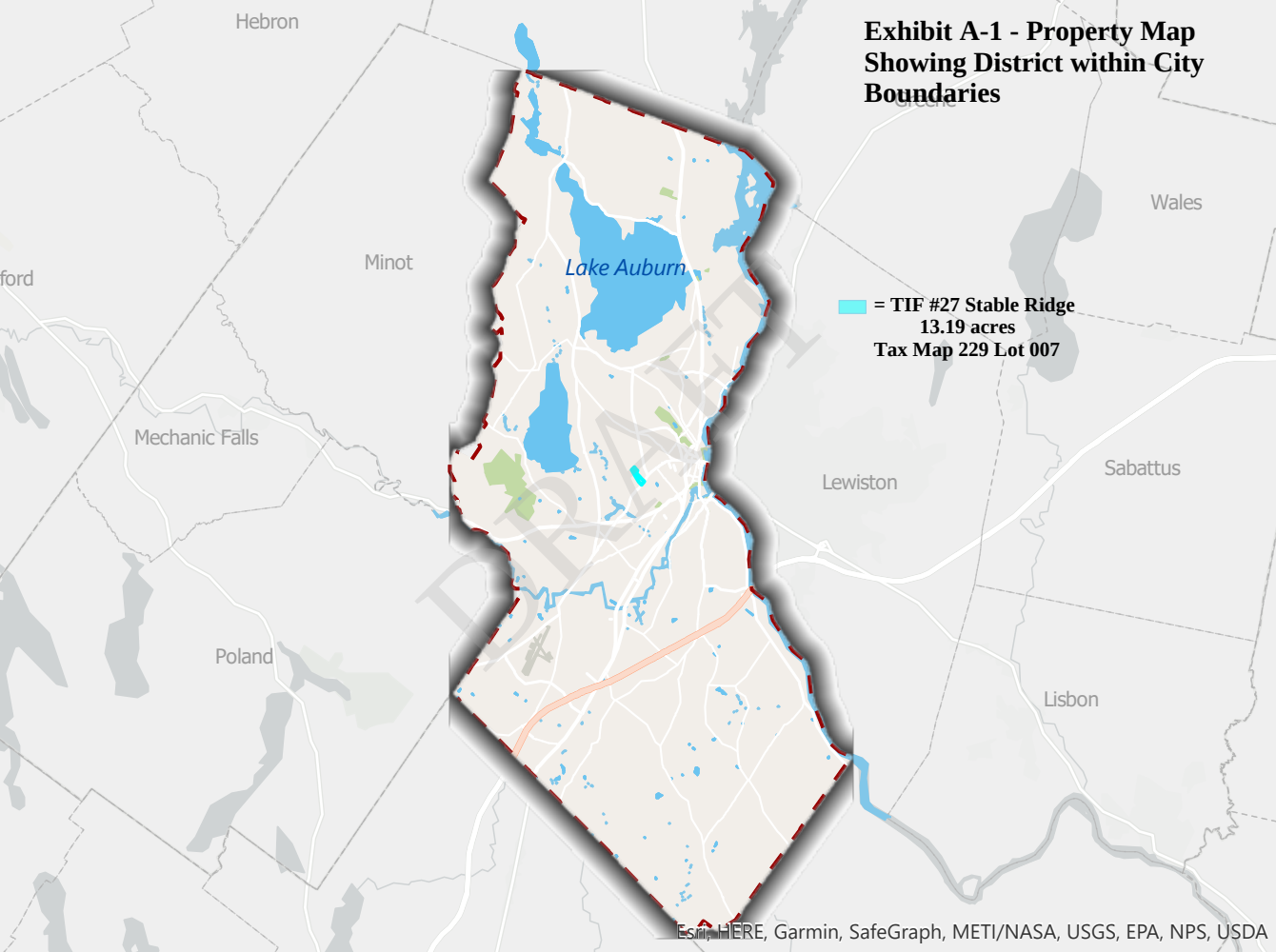


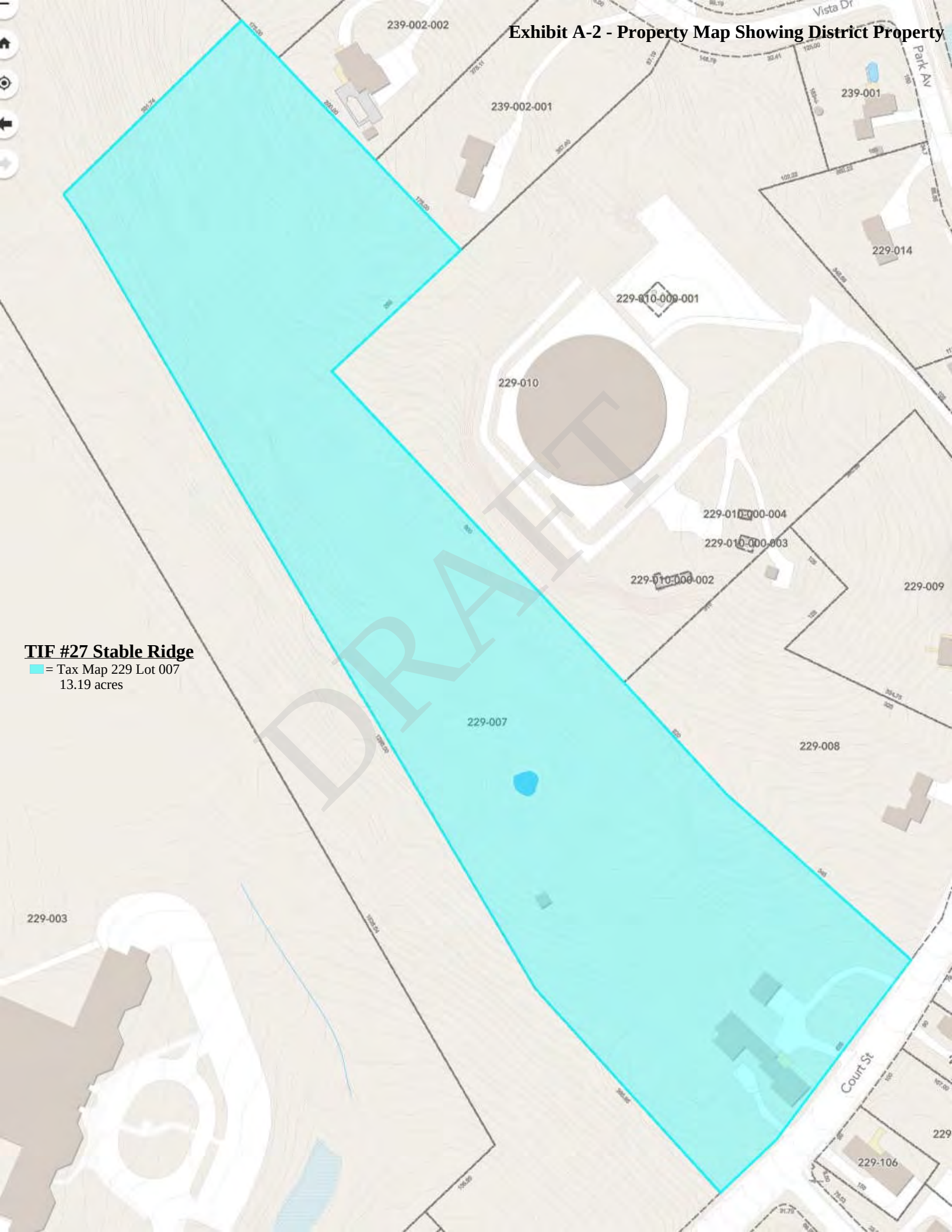
Exhibit A-1 - Property Map
Showing District within City
Boundaries
= TIF #27 Stable Ridge
13.19 acres
Tax Map 229 Lot 007
Lake Auburn
Hebron
Minot
Mechanic Falls
Poland
Lewiston
Sabattus
Lisbon
Wales
DRAFT
Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

Exhibit A-2

(Property Map Showing District Property)

DRAFT

Exhibit A-2 - Property Map Showing District Property



TIF #27 Stable Ridge
= Tax Map 229 Lot 007
13.19 acres

Exhibit B

(Assessor's Certificate)

DRAFT

EXHIBIT B

City of Auburn, Maine
Office of the Assessor
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

ASSESSOR'S CERTIFICATE
CITY OF AUBURN

The undersigned Assessor for the City of Auburn, Maine hereby certifies pursuant to the provisions of M.R.S.A Title 30-A § 5227(2) that:

The assessed value of taxable real property of the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District as described in the Development Program to which the Certificate is included, comprised of the approximately 13.19 acres identified on City Tax Maps as Tax Map 229, Lot 007, was **$235,500** as of March 31, 2022 (April 1, 2021).

In Witness Whereof, This Certificate has been executed as of this 24th day of February, 2023.

ASSESSOR

Karen Scammon, CMA-4, City Assessor

DRAFT

Exhibit C-1

(Anticipated TIF Captured Assessed Values)

DRAFT

Exhibit C-1 - Captured Assessed Value & TIF Revenue Projections

TIF #27 Stable Ridge TIF District – City of Auburn

Fiscal Year	TIF Year	Original Assessed Value	Projected Total Assessed Value	Projected Increased Assessed Value	Percent Captured in TIF	Estimated Assessment Ratio	TIF District Projected Captured Assessed Value	Projected Mill Rate 22/23: 22.75	Projected Total TIF Revenue	TIF Revenue to Company (50%) Years 1-10	TIF Revenue to City
2023-2024	1	$235,500	$ 2,735,500	$2,500,000	100%	100%	$2,500,000	22.75	$56,875	$28,438	$28,438
2024-2025	2	$235,500	$ 2,735,500	$2,500,000	100%	100%	$2,500,000	22.75	$56,875	$28,438	$28,438
2025-2026	3	$235,500	$ 5,235,500	$5,000,000	100%	100%	$5,000,000	22.75	$113,750	$56,875	$56,875
2026-2027	4	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2027-2028	5	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2028-2029	6	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2029-2030	7	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2030-2031	8	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2031-2032	9	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2032-2033	10	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$159,250	$159,250
2033-2034	11	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2034-2035	12	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2035-2036	13	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2036-2037	14	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2037-2038	15	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2038-2039	16	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2039-2040	17	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2040-2041	18	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2041-2042	19	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
2042-2043	20	$235,500	$ 14,235,500	$14,000,000	100%	100%	$14,000,000	22.75	$318,500	$0	$318,500
								20-Year Projected Total:	$5,642,000	$1,228,500	$4,413,500
								20-Year Projected Average:	$282,100	$61,425	$220,675

DRAFT

Assumptions:

1. The above projections show the anticipated increased assessed values, captured assessed values, and TIF revenues throughout the term of the District. The Assessor has estimated the projected increased assessed value based on available project plans and currently available information. The final assessed value will be determined based on the actual land and improvement values after construction of phase one and phase two on the applicable April 1st.
2. The projections assumes a 20-year district term, with a 10-year credit enhancement agreement to the Developer. The credit enhancement agreement under these assumptions provides a reimbursement of 50% of the TIF revenues to the Developer and 50% to the City for the first 10 years of the District. The City will retain 100% of the TIF revenues for years 11-20.
3. Projections assume a flat mill rate of 22.75 and projected certified assessment ratio of 100%.
4. Projections assume 100% of the increased assessed value is captured in the District and that TIF revenue is available for municipal project costs.
5. The preceding financial information contains projections and forward-looking statements that are subject to a number of risks and uncertainties that could cause the actual results, performance, or achievements to differ materially from any future results, performances, or achievements expressed or implied by the financial information reported in this projection. The model is not, nor intended to be, an appraisal or guarantee of an assessed value, and there may be positive or negative variations in the actual assessment of the project due to variety of factors, including without limitation the employment of alternative methods of valuation and then-current market conditions.

Exhibit C-2

(Projected Tax Shift Benefits)

DRAFT

Exhibit C-2 - Tax Shift Benefits

TIF #27 Stable Ridge TIF District – City of Auburn

Fiscal Year	TIF Year	State Aid to Education Benefit	County Tax Benefit	State Revenue Sharing Benefit	Total Tax Benefit
2023-2024	1	-	-	-	$0
2024-2025	2	-	-	-	$0
2025-2026	3	-	$2,441	$829	$3,270
2026-2027	4	$18,225	$2,441	$829	$21,495
2027-2028	5	$18,225	$4,740	$1,658	$24,623
2028-2029	6	$36,450	$13,009	$4,641	$54,099
2029-2030	7	$102,060	$13,009	$4,641	$119,709
2030-2031	8	$102,060	$13,009	$4,641	$119,709
2031-2032	9	$102,060	$13,009	$4,641	$119,709
2032-2033	10	$102,060	$13,009	$4,641	$119,709
2033-2034	11	$102,060	$13,009	$4,641	$119,709
2034-2035	12	$102,060	$13,009	$4,641	$119,709
2035-2036	13	$102,060	$13,009	$4,641	$119,709
2036-2037	14	$102,060	$13,009	$4,641	$119,709
2037-2038	15	$102,060	$13,009	$4,641	$119,709
2038-2039	16	$102,060	$13,009	$4,641	$119,709
2039-2040	17	$102,060	$13,009	$4,641	$119,709
2040-2041	18	$102,060	$13,009	$4,641	$119,709
2041-2042	19	$102,060	$13,009	$4,641	$119,709
2042-2043	20	$102,060	$13,009	$4,641	$119,709
2042-2043		$102,060	$13,009	$4,641	$119,709
2043-2044		$102,060	$13,009	$4,641	$119,709
2044-2045		$102,060	-	-	$102,060
	Totals:	**$1,807,920**	**$230,773**	**$82,206**	**$2,120,899**
	Averages:	**$90,396**	**$11,539**	**$4,110**	**$92,213**

DRAFT

Assumptions:

1. Data sources include the 2022-2023 mill rate/commitment reported by the City, Androscoggin County's FY2022 Budget reflecting Tax Allocation, the State Treasurer's Office Municipal Revenue Sharing projections for FY2023, published 03/17/2022, and the Maine Department of Education 02/02/2023 2023-2024 ED 279 form for Auburn Schools. Based on these projections, the City of Auburn loses approximately 37 cents out of every new tax dollar to education and state subsidy losses and increased County taxes. This loss is determined by calculating the total subsidy and County tax that would have left the City's revenue stream for this project and dividing it by the total TIF revenue generated for there District term.

2. Tax shift losses are comprised of declining subsidies in revenue sharing and increasing obligations to pay county taxes. Tax shift losses occur for a couple of years following the year in which the new assessed value is first recognized in the assessment. No tax shift losses occur when a TIF captures all of the new value.

3. The preceding financial information contains projections and forward-looking statements that are subject to a number of risks and uncertainties that could cause the actual results, performance, or achievements to differ materially from any future results, performances, or achievements expressed or implied by the financial information reported in this projection. These projections assume that the formulas and general inputs for state subsidies and county taxes do not change over time and they assume that all other values in other communities are static relative to one another except for the new value assessed. The projections are less likely to be accurate farther into the future.

4. Assumes the assessment ratio in the City is 100% when the new property value arrives, such that the market value of new property is used for assessment purposes.

Exhibit D

(Notice of Public Hearing)

DRAFT

Exhibit D

NOTICE OF PUBLIC HEARING

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

Regarding
Approval of the Municipal Development and Tax Increment Financing District known as:

"TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District"

Notice is hereby given that the City of Auburn will hold a public hearing on

March 20, 2023
at 60 Court Street Auburn , ME 04210
The Public Hearing will be at 7:00 p.m.

The purpose of the public hearing is to receive public comments on the creation of a municipal development and tax increment financing district known as the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District (the "District") and the adoption of the development program for the District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The TIF #27 Stable Ridge Municipal Development Tax Increment Financing District is comprised of approximately 13.19 acres and is located at 555 Court Street. The proposed district will consist of Phase 1 consisting of three five buildings with sixty apartments per building and Phase 2 consisting of five buildings with sixty apartments per building. This District authorizes the City Manager to enter into a credit enhancement agreement with the developer, as described in the proposed development program.

A copy of the proposed Development Program materials, , including a description of a proposed credit enhancement agreement with the developer, will be on file with the City Office during normal business hours of 8:30 am – 4:00 pm. They can also be found at https://www.auburnmaine.gov/or one can call *207-333-6601* during normal business hours to request that a copy be mailed to you. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Public comments will be taken at the hearings and written comments should be submitted to Susan Clements-Dallaire, City Clerk. Written comments will be accepted until 4:00 PM on March 20, 2023.

DRAFT

Exhibit E

(Minutes of Public Hearing)

DRAFT

Exhibit F

(City Council Order)

DRAFT

City Council Order

Approving the TIF #27 Stable Ridge Municipal Development Tax Increment Financing Development Program

WHEREAS, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the TIF #27 Stable Ridge Municipal Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, there is a need to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help to improve and broaden the tax base in the City and improve the economy of the City and the State of Maine; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the District and to adopt the Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development ("DECD"), approving the designation of the District and the adoption of the Development Program; and

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN, MAINE:

Section 1. The City hereby finds and determines that:

(a) At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and

(b) The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

(c) The aggregate original assessed value of the District plus the original assessed value of all other existing tax increment financing districts in the City does not exceed five percent (5%) of the total value of taxable property within the City as of April 1, 2021; and

(d) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined

DRAFT

that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program all as more particularly described in the Development Program presented to the City Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of increased assessed value to be retained in the District as captured assessed value and the term for which it will be retained is hereby established as set forth in the Development Program.

Section 4. The City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by DECD, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Manager be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions and corrections to the Development Program or to the scope, cost or description of the public improvements to be financed with tax increment revenues generated by the District as described in the Development Program, and to the exhibits to the Development Program, as the City Manager deems reasonably necessary or convenient, necessary in order to facilitate the process for review and approval of the District or the Development Program by DECD, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

DRAFT

This Order shall take effect immediately upon adoption.

Approved March 20, 2023, by the City Council, at a meeting duly convened and conducted in Auburn, Maine.

DRAFT

Exhibit G

(Statutory Requirements and Thresholds)

DRAFT

STATUTORY REQUIREMENTS AND THRESHOLDS

TIF #27 STABLE RIDGE MUNICIPAL TAX INCREMENT FINANCING DISTRICT

41SECTION A. | Acreage Caps		
1. Total **municipal** acreage;	41,430	
2. Acreage of **proposed** Municipal TIF District;	13.19	
3. **Downtown-designation**[1] acres in proposed Municipal TIF District;	0	
4. **Transit-Oriented Development**[2] acres in proposed Municipal TIF District;	0	
5. **Total acreage [=A2-A3-A4]** of proposed Municipal TIF District counted toward 2% limit;	13.19	
6. **Percentage [=A5÷A1]** of total acreage in proposed Municipal TIF District (CANNOT EXCEED 2%).	.032%	
7. **Total acreage** of all existing/proposed Municipal TIF districts in municipality **including** Municipal Affordable Housing Development districts:[3] #6 Proctor & Gamble (Tambrands II)/84 acres #10 Downtown Omnibus/264.18 acres; #12 Auburn Industrial Park/144 acres #13 Retail Development/29.67 acres; #14 Mall Revitalization/38.91 #15 Mall Area Hotel/1.5 acres; #16 Webster School AHTIF/1.4 acres #19 Hartt Transportation Industrial Park/43 acres #20 62 Spring Street/.81; #21 477 Minot Ave/3.83 #22 Hampshire Street/1.01; #23 Memory Care/8.61 #24 Gracelawn/2.92; #25 FutureGuard/26.2 #26 North River Road Apartments/3.32; #27 Stable Ridge/13.19	Existing	653.36
	Proposed	13.19
	Total:	666.55

30-A § 5223(3) EXEMPTIONS[4]	
8. Acreage of an existing/proposed **Downtown** Municipal TIF district;	264.18
9. Acreage of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0
10. Acreage of all existing/proposed **Community Wind Power** Municipal TIF districts:	0
11. Acreage in all existing/proposed Municipal TIF districts **common to**[5] Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such acreage also factored in Exemptions 8-10 above:	0
12. **Total acreage [=A7-A8-A9-A10-A11]** of all existing/proposed Municipal TIF districts counted toward 5% limit;	402.37
13. **Percentage of total acreage [=A12÷A1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).	.971%

14. **Real property** in proposed Municipal TIF District that is:	ACRES	% **[=Acres÷A2]**
a. A blighted area;	0	0
b. In need of rehabilitation, redevelopment or conservation;	0	0
c. Suitable for commercial or arts district uses.	13.19	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		100%

*The acreages for existing TIF districts are consistent with existing approved TIF development program documentation and do not necessarily represent revisions that might result in time to acreages from updated surveys and assessing software information.

[1] Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).
[2] For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.
[3] For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.
[4] Downtown/TOD overlap nets single acreage/valuation caps exemption.
[5] PTDZ districts approved through December 31, 2008.

STATUTORY REQUIREMENTS AND THRESHOLDS

TIF #27 STABLE RIDGE MUNICIPAL TAX INCREMENT FINANCING DISTRICT

SECTION B. | Valuation Cap		
1. **Total TAXABLE** municipal valuation—use most recent April 1;	$2,171,967,423	
2. **Taxable Original Assessed Value (OAV)** of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	$235,500	
3. **Taxable OAV of all** existing/proposed Municipal TIF districts in municipality **excluding** Municipal Affordable Housing Development districts: #6 Proctor & Gamble (Tambrands II)/$520,900 #10 Downtown Omnibus/$83,168,800 #12 Auburn Industrial Park/$334,200 #13 Retail Development/$5,425,400 #14 Mall Revitalization/$11,328,400 #15 Mall Area Hotel/$4,900 #19 Hartt Transportation Center/$1,278,600 #20 62 Spring Street/$474,300 #23 Memory Care/$327,100 #24 Gracelawn/$262,600 #25 FutureGuard/$3,838,700 #26 North River Road Apartments/$60,300 #27 Stable Ridge/$235,500	Existing	$107,024,200
	Proposed	$235,500
	Total:	$107,259,700
30-A § 5223(3) EXEMPTIONS		
4. **Taxable OAV** of an existing/proposed **Downtown** Municipal TIF district;	$83,168,800	
5. **Taxable OAV** of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0	
6. **Taxable OAV** of all existing/proposed **Community Wind Power** Municipal TIF districts:	0	
7. **Taxable OAV** of all existing/proposed **Single Taxpayer/High Valuation**[6] Municipal TIF districts:	0	
8. **Taxable OAV** in all existing/proposed Municipal TIF districts **common to** Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such OAV also factored in Exemptions 4-7 above:	0	
9. **Total taxable OAV [=B3-B4-B5-B6-B7-B8]** of all existing/proposed Municipal TIF districts counted toward 5% limit;	$24,090,900	
10. **Percentage of total taxable OAV [=B9÷B1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).	1.109%	

DRAFT

COMPLETED BY			
PRINT NAME	Amanda J. Methot		
SIGNATURE		DATE	
If this form has **not be completed by the municipal or plantation assessor**, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME	Karen Scammon, CMA-4, City Assessor		
SIGNATURE		DATE	

[6] For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

City Council Order 32-03202023
Approving the TIF #27 Stable Ridge Municipal Development Tax Increment Financing Development Program

WHEREAS, the City of Auburn (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the TIF #27 Stable Ridge Municipal Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, there is a need to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help to improve and broaden the tax base in the City and improve the economy of the City and the State of Maine; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the District and to adopt the Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development ("DECD"), approving the designation of the District and the adoption of the Development Program; and

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF AUBURN, MAINE:

Section 1. The City hereby finds and determines that:
(a) At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and
(b) The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and
(c) The aggregate original assessed value of the District plus the original assessed value of all other existing tax increment financing districts in the City does not exceed five percent (5%) of the total value of taxable property within the City as of April 1, 2021; and
(d) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City,

including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program all as more particularly described in the Development Program presented to the City Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of increased assessed value to be retained in the District as captured assessed value and the term for which it will be retained is hereby established as set forth in the Development Program.

Section 4. The City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by DECD, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Manager be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions and corrections to the Development Program or to the scope, cost or description of the public improvements to be financed with tax increment revenues generated by the District as described in the Development Program, and to the exhibits to the Development Program, as the City Manager deems reasonably necessary or convenient, necessary in order to facilitate the process for review and approval of the District or the Development Program by DECD, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

Approved March 20, 2023, by the City Council, at a meeting duly convened and conducted in Auburn, Maine.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023 **Order:** 33-03202023

Author: Mark Conrad, Business Manager

Subject: FY 2024 School Budget Discussion

Information: The School Committee is currently reviewing the FY 2024 budget proposal submitted by the Superintendent of Schools. The FY 2024 operating budget proposed by the Superintendent is increasing by 5.9% to $58,951,552. Article 10 – Debt Service is increasing by $2,418,801, reflecting the last increase in bonding for the new High School. Excluding debt service the budget is increasing by only 1.7%. This budget includes the cost impact of opening the new High School, and cuts 23.5 positions, including 15.5 teachers, six educational technicians, a program director (RETC), and a substance abuse counselor.

The proposed FY 2024 revenue budget includes a budget reduction in state operating subsidy of $1,174,902, driven in part by a 4.5% increase in state property valuation. The state subsidy for debt service is increasing $2,128,066. With inflationary increases, debt service increases, the cost impact of the new High School, and the loss of State operating subsidy, even with a reduction of 23.5 staff positions the total local share is increasing by 7.3%, from $18,957,683 in FY 2023 to $20,347,617 in FY 2024.

The School Committee is scheduled to approve a school budget and forward it to the City Council on May 3, 2023.

City Budgetary Impacts: TBD

Staff Recommended Action: Discussion

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Superintendent's 2023-2024 Budget Message
Budget Analysis by Warrant Article
General Fund Revenue Budget
Summary of Personnel Reductions

TO: Auburn City Council

FR: Dr. Cornelia Brown, Superintendent of Schools

DATE: March 10, 2023

RE: Approval of Referendum Question

At your March 20th meeting the Auburn City Council will be asked to the following referendum question:

"Shall the City of Auburn approve City Council Order__-____2023 and (a) authorize up to $4,598,331 in additional costs for environmental remediation (Polychlorinated Biphenyls (PCB) Abatement) of the soil and existing building material at the new high school project location, and (b) authorize up to $4,598,331 of the City's general obligation bonds (which may be callable) for that purpose (all of which additional bonds have been approved for State debt service subsidy support), the sale proceeds of which, together with investment earnings, if any, are appropriated to finance such costs (including costs of issuance and capitalized interest)?"

As you know, the existing Edward Little High School is scheduled for demolition following the opening of the new High School. Over the course of the project, with further testing for PCB remediation, the extent of the required abatement has significantly increased beyond the project allowance of $675,000, to a current estimate of over $5 million. This requires additional funding to the construction budget of just under $4.6 million.

For your information I would highlight the following points:

- The full cost of additional bonding required to raise these funds will fully qualify for State school subsidy funds. **The State of Maine will therefore fully fund this increase, with no impact on the local tax rate.**
- If the City of Auburn fails to approve these additional funds at referendum we will **not** have the funding available to demolish the existing High School. The building will remain empty on the site, resulting in the loss of athletic fields, parking, and the bus loop, and in additional costs to modify the existing site plan, particularly with regard to drainage.
- At a straw poll held on February 27, 2023 the 49 residents voting in the straw poll unanimously supported the referendum question.
- On March 8, 2023 the State Board of Education unanimously approved a revised concept approval for the Edward Little High School Construction Project, a necessary step to amend (increase) the approved construction budget and qualify for State subsidy.

For your additional information I have attached the Statement of Fact provided to the State Board of Information. Thank you for your support of this referendum question.

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

JANET T. MILLS
GOVERNOR

PENDER MAKIN
COMMISSIONER

EXHIBIT IX.B.

To: Members of the State Board of Education

From: Pender Makin, Commissioner*

Date: March 8, 2023

Subject: Major Capital School Construction Program; REVISED Concept Approval Consideration; Auburn School Department-New Edward Little High School Construction Project

STATEMENT OF FACT

Superintendent Dr. Cornelia Brown requests that the State Board of Education grants REVISED Concept Approval for the new Edward Little High School (ELHS) in Auburn. The project, planned for 1,100 Auburn high school students and 210 Lewiston Regional Career and Technical Center (LRTC) students, is being constructed on the existing high school site adjacent to the current ELHS.

State Board of Education Site Approval occurred on September 12, 2018 and Concept Approval on April 10, 2019. The project was approved by local referendum vote on June 11, 2019. After receiving State Board of Education Design and Funding Approval on December 21, 2020, construction documents were issued for bidding.

The COVID pandemic began in March of 2020. Bids were opened on March 2, 2021. Two qualified bids were received, both well over budget. The lowest bid was 6% above cost estimates. Construction contingency was not funded to the 5% standard due to a lack of funds. Investigating cost saving options after bid opening, the owner, architect, and Department staff worked closely with the low bidder, Arthur C. Dudley Contractor/Builder of Standish, to eliminate the budget gap and keep the project on the approved schedule and budget. The most significant reductions came from value engineering, moveable equipment, and project contingency totaling $6,163,174. A construction contract was signed, and construction began immediately in March of 2021.

Due to the ongoing COVID pandemic and the global events that followed, the project experienced numerous challenges from its inception: increasing costs of materials, labor shortages, supply chain disruptions, and an extremely overloaded construction market. These conditions continued to worsen and placed unprecedented financial stress on the project. A process has been developed to allow specific material cost increases as a project contingency expense.

Due to required EPA comprehensive testing, a significant amount of polychlorinated biphenyl (PCB's) was identified in the existing ELHS which must be abated prior to demolition. If discovered earlier, the financial implications would have been reflected in the project budget presented at the time of Concept Approval. A final plan, which includes abatement, transportation,

disposal, and fees, requires an additional $4,598,331 bond to maintain other budget line items and keep the project on its schedule for student occupancy in Fall of 2023. This will allow the demolition and remaining site work to be completed by Summer of 2024.

This REVISED Concept Approval is being requested pursuant to Title 20-A M.R.S. §15905(1) and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects.

Project Information:
Project: Auburn School Department - New Edward Little High School Construction Project
Superintendent: Dr. Cornelia Brown
Architect: Harriman – Mark Lee, Lisa Sawin
Schools to be closed: Existing Edward Little High School to be demolished

REVISED Project Budget Information:
Total Project Cost: $126,614,673 (increased by $4,598,331 from $122,016,342)
Local Only (no State participation): $16,117,492 (no increase)
Approved for State/Local Debt Service Subsidy: $110,497,181 (increased by $4,598,331 from $105,898,850)

COMMISSIONER'S RECOMMENDATION

The Commissioner of the Department of Education recommends that the State Board of Education grant REVISED Concept Approval to the Auburn School Department that includes an additional $4,598,331 in the project budget for the abatement of PCB's at the existing Edward Little High School to complete the construction project.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION

On February 24, 2023 the School Construction Committee recommended that this exhibit be placed on the March 8, 2023 State Board meeting agenda and that the State Board grant REVISED Concept Approval to the Auburn School Department that includes an additional $4,598,331 in the project budget for the abatement of PCB's at the existing Edward Little High School to complete the construction project.

**Prepared by the Office of School Facilities*

Exhibit IX.B.
REVISED Concept Approval Consideration
New Edward Little High School Construction Project
March 8, 2023

Summary of PCB Cost Increases to Project Budget

Budget Line Impacted	*Description*	*Total*
Line 1	PCB Remediation	$ 2,755,181
Line 6	PCB Waste Removal and Transport	$ 1,133,150
Line 14	PCB Remediation Oversight/Verification	$ 710,000
	TOTAL PCB Costs	**$ 4,598,331**

State of Maine
Department of Education
Office of School Facilities

Major Capital School Construction
Project Budget

Auburn School Department
Edward Little High School
Grades 9-12 (1,100 Students) CTE (210 Students)

Harriman
REVISED Concept Approval
March 8, 2023

		State/Local	Local Only & Other Funding	Total
A	**CONSTRUCTION**			
1	School and Site Construction Estimate	$93,910,798	$13,548,745	$107,459,543
	Subtotal	**$93,910,798**	**$13,548,745**	**$107,459,543**
B	**ADMINISTRATIVE COSTS & RESERVES**			
2	Land Purchase and Related Costs	$0	$0	$0
3	Moveable Equipment	$3,322,500	$335,343	$3,657,843
4	Advertising and Legal	$375,857	$0	$375,857
5	Percent for Art	$50,000	$0	$50,000
6	Project Reserves	$1,133,150	$585,418	$1,718,568
7	Project Contingency	$4,309,987	$643,273	$4,953,260
	Subtotal	**$9,191,494**	**$1,564,034**	**$10,755,528**
C	**FEES AND SERVICES**			
8	Architect / Engineer Basic Services	$5,172,137	$800,495	$5,972,632
9	Architect / Engineer Additional Services	$43,000	$0	$43,000
10	Architect / Engineer Reimbursables	$34,650	$0	$34,650
11	Site Selection	$161,328	$0	$161,328
12	Permitting & Approvals	$170,001	$61,731	$231,732
13	Survey and Soils	$175,935	$0	$175,935
14	Construction Testing	$900,657	$29,343	$930,000
15	Project Coordination	$118,294	$18,206	$136,500
16	Clerk of the Works	$378,541	$58,259	$436,800
17	Commissioning	$238,321	$36,679	$275,000
18	Other Professional Services	$2,025	$0	$2,025
	Subtotal	**$7,394,889**	**$1,004,713**	**$8,399,602**
D	**TOTAL PROJECT COST**	**$110,497,181**	**$16,117,492**	**$126,614,673**
E	**OTHER FUNDING SOURCES**	**$0**	**$1,585,418**	**$1,585,418**
F	**MAXIMUM BOND AMOUNTS**	**$110,497,181**	**$14,532,074**	**$125,029,255**
G1	**FINAL FUNDING APPROVAL 3/24/21**	**$105,898,850**	**$16,117,492**	**$122,016,342**
G2	**REQUIRED ADDITIONAL FUNDING**	**$4,598,331**	**$0**	**$4,598,331**

Auburn School Department
Edward Little High School

REVISED

REVISED Concept Approval
March 8, 2023

PROPOSED PROJECT SCHEDULE

Activity	Date
Site Approval by State Board of Education	September 12, 2018
Concept Approval by State Board of Education	April 10, 2019
Referendum Date	June 11, 2019
Design Development Complete	January 17, 2020
100% Construction Documents Complete	October 14, 2020
Design & Funding Approval by State Board of Education	December 21, 2020
Project out to Bid	December 16, 2020
Bid Opening	March 2, 2021
Final Funding Approval by the Commissioner of Education	March 24, 2021
*Dept. of Education Established Bond Dates	Spring 2021/Spring 2022
REVISED Concept Approval	March 8, 2023
Second Local Referendum	June 13, 2023
REVISED Design & Funding Approval	June 14, 2023
REVISED Final Funding Approval	June 15, 2023
Substantial Completion *(approx. 30 months)*	July 1, 2023
PCB Abatement and Building Demolition	July 1, 2023
*Final Dept. of Education Established Bond Date	Fall 2023
Building Occupancy	August 1, 2023
Site Occupancy	August 1, 2024

**Bond date contingent upon Legislative appropriation.*

SQUARE FOOT SUMMARY

Space Definition	State/Local	Local Only	Total
New Construction (sf)	251,503	26,561	**278,064** *sf*
Renovation (sf)	0	0	**0** *sf*
Total	**251,503**	**26,561**	**278,064** *sf*

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing and second reading on Monday, April 3, 2023, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing $4,598,331 of the City's general obligation bonds to finance additional costs for environmental remediation (Polychlorinated Biphenyls (PCB) Abatement) of the soil and existing building material at the new high school project location. The order is available for inspection at the City Clerk's office during regular business hours and on the City's website: www.auburnmaine.gov.

Public comment may be given at the meeting or can be sent via email to: **comments@auburnmaine.gov**. Your comments will be included in the meeting minutes.

The City Council meeting can be viewed LIVE on on Great Falls TV channel 11 and on the City of Auburn YouTube channel.

Following the public hearing and first reading, the City Council expects to take final action on the order.

ORDER 33-03202023

City Council Order

IN CITY COUNCIL

ORDER – APPROVING $4,598,331 OF ADDITIONAL COSTS FOR ENVIRONMENTAL REMEDIATION OF NEW HIGH SCHOOL PROJECT AND AUTHORIZING GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter:

THAT there be and hereby is authorized (a) $4,598,331 in additional costs for environmental remediation (Polychlorinated Biphenyls (PCB) Abatement) of the soil and existing building material at the new high school project location, and (b) issuance of up to $4,598,331 City of Auburn general obligation bonds, which may be sold at or above par, the sale proceeds of which, together with investment earnings, if any, are appropriated to finance such costs (including costs of issuance and capitalized interest).

Be It Further Ordered by the Auburn City Council:

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to prepare, issue, and sell such bonds and notes in anticipation therof, in the aggregate amount of $4,598,331 at one time, or from time to time, as one or more separate bond issues or consolidated with any other issue of bonds and notes authorized to be issued by the City Council, as term bonds or serial bonds, through a public offering or a private placement, on a competitive or negotiated basis, or some combination of any of the foregoing, all as the Finance Director shall determine to be appropriate in her sole discretion.

THAT the bonds and notes authorized hereunder shall be executed in the name of and on behalf of the City by the City's Finance Director and its Treasurer, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the City seal thereon, attested by its Clerk.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to establish, determine and approve the form, dates, maturities (with the last maturity not to exceed the maximum term permitted by law), denominations, interest rates, places of payment, provisions for early redemption, with or without a premium, prior to the stated maturity date(s), and all other details, including the timing and manner of their sale and award, such approval to be conclusively evidenced by her execution thereof.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

THAT a tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to designate the bond or notes authorized hereunder, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve and select a financial advisor and underwriter with respect to the issue, sale and delivery of the bonds and notes, and to approve, execute and deliver such contracts, agreements, loan agreements, investment agreements, bond purchase agreements, official statements, certificates, tax certificates, instruments, assignments and other documents (the " Bond Documents"), as may be necessary or advisable in order to accomplish the issuance of the bonds and notes, which Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, as may be approved by the Finance Director, such approval to be conclusively evidenced by her execution thereof.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any other Bond Document necessary or convenient to the issuance, execution and delivery of the bonds or notes, the person or persons then acting in any such capacity, whether on an interim or acting basis, as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 33-03202023

City Council Order

THAT the City may pay certain costs of the projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.

THAT the bonds and notes authorized hereby are conditioned upon and made subject to an approving vote of the voters of the City.

A Public Notice describing the general purpose of the borrowing and the terms thereof and the times and places where copies of the bond proposal were available for inspection by the public was published on or before March 20, 2023, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on April 3, 2023.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 03/20/2023 **Order:** 34-03202023

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the Fraternal Order of Police Command Unit covering 07/01/2023 to 06/30/2025

Information: The Collective Bargaining Agreement between the City of Auburn and the Fraternal Order of Police (FOP) Command Unit was reopened due to market adjustments for recruitment and retention purposes in an extremely competitive field.

The following is a summary of the changes:

- FY 24; Market adjustment
- FY25 3.5% Cola
- Juneteenth as paid holiday

City Budgetary Impacts:

Staff Recommended Action: Staff recommends the City Council vote to approve.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDER 34-03202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the Fraternal Order of Police Union, Command Division, effective 07/01/2023.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 03/20/2023 **Order**: 35-03202023

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the Fraternal Order of Police Patrol Unit covering 07/01/2023 to 06/30/2026

Information: The Collective Bargaining Agreement between the City of Auburn and the Fraternal Order of Police (FOP) Command Unit was reopened due to market adjustments for recruitment and retention purposes in an extremely competitive field.

The following is a summary of the changes:

- FY24, Market adjustment
- FY25, 4% Cola;
- FY26, 3.1% Cola
- Two additional holidays of MLK and Juneteenth

City Budgetary Impacts:

Staff Recommended Action: Staff recommends the City Council vote to execute this CBA.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 35-03202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the Fraternal Order of Police Union, Patrol Division, effective 07/01/2023.

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

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

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

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **February 2023 Financial Report**

DATE: **March 20, 2023**

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

The City has completed its eighth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 66.7% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through February 28th, including the school department were $66,303,219 or 61.94% of the budget. The municipal revenues including property taxes were $44,798,901, or 63.56% of the budget which is less than the same period last year by 1.95%. The accounts listed below are noteworthy.

A. The current year tax revenue is at 62.56% compared to last year at 63.47% the second payment is due March 15th. We are currently $1,061,340 higher than last year at this time.

B. Excise tax for the month of February is at 68.82%. This is a $101,641 increase over FY 22.

C. State Revenue Sharing at the end of February is 96.62% or $4,351,685. The percentage is less than last year, but the dollars collected are $743,064 more than last year.

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

Expenditures

City expenditures through February 2023 were $35,605,613 or 69.39% of the budget. This is a decrease of 2.62%, but an increase in dollars of $1,685,308 for the same period last year. Noteworthy variances are:

A. Fiscal Services are higher than last year due to the increase in Debt Service payments for FY 23.

B. Public Safety and Public Works are higher than at this time last year.

C. Public Works is high than last year at this time by $ 326,459. This also includes solid waste disposal.

Investments

This section contains an investment schedule as of February 28th. Currently the City's funds are earning an average interest rate of 2.88%. I was also notified by Androscoggin Bank that they will be raising the interest rate on our accounts this month. (March).

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of February 2023, January 2023, and June 2022

	February 28 2023	January 31 2023	Increase (Decrease)	UNAUDITED JUNE 30 2022
ASSETS				
CASH	$ 48,173,422	$ 47,969,455	$ 203,967	$ 25,056,314
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	3,009,692	1,178,501	1,831,191	1,461,282
TAXES RECEIVABLE-CURRENT	19,573,162	22,432,654	(2,859,492)	42,636
DELINQUENT TAXES	453,215	459,968	(6,753)	395,714
TAX LIENS	622,951	666,036	(43,085)	1,297,627
NET DUE TO/FROM OTHER FUNDS	(18,653,109)	(15,126,633)	(3,526,476)	4,391,622
TOTAL ASSETS	**$ 53,179,333**	**$ 57,579,981**	**$ (4,400,648)**	**$ 32,645,195**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ 21,198	$ 26,389	$ (5,191)	$ (824,510)
PAYROLL LIABILITIES	(50,189)	(1,863,031)	1,812,842	2,948,844
ACCRUED PAYROLL	-	-	-	(263,746)
STATE FEES PAYABLE	(40,687)	(69,573)	28,886	(183)
ESCROWED AMOUNTS	(42,020)	(41,999)	(21)	(40,426)
DEFERRED REVENUE	(20,497,437)	(23,406,804)	2,909,367	(1,585,602)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (20,609,135)**	**$ (25,355,018)**	**$ 4,745,883**	**$ 234,377**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (29,571,381)	$ (29,226,147)	$ (345,234)	$ (29,880,756)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (32,570,197)**	**$ (32,224,963)**	**$ (345,234)**	**$ (32,879,572)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (53,179,333)**	**$ (57,579,981)**	**$ 4,400,648**	**$ (32,645,195)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH February 28, 2023 VS February 28, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU FEB 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU FEB 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 52,463,320	$ 32,821,798	62.56%	$ 50,042,450	$ 31,760,458	63.47%	$ 1,061,340
PRIOR YEAR TAX REVENUE	$ -	$ 669,070		$ -	$ 488,125		$ 180,945
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,322,921	74.74%	$ 1,650,000	$ 1,290,048	78.18%	$ 32,873
EXCISE	$ 4,435,000	$ 3,052,369	68.82%	$ 4,425,000	$ 2,950,728	66.68%	$ 101,641
PENALTIES & INTEREST	$ 120,000	$ 49,067	40.89%	$ 120,000	$ 72,736	60.61%	$ (23,669)
TOTAL TAXES	$ 58,788,320	$ 37,915,224	64.49%	$ 56,237,450	$ 36,562,095	65.01%	$ 1,353,129
LICENSES AND PERMITS							
BUSINESS	$ 190,000	$ 217,916	114.69%	$ 166,000	$ 201,327	121.28%	$ 16,589
NON-BUSINESS	$ 195,250	$ 191,512	98.09%	$ 300,200	$ 298,970	99.59%	$ (107,458)
TOTAL LICENSES	$ 385,250	$ 409,428	106.28%	$ 466,200	$ 500,297	107.31%	$ (90,869)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ 419,744	104.94%	$ 390,000	$ 421,592	108.10%	$ (1,848)
STATE REVENUE SHARING	$ 4,504,100	$ 4,351,685	96.62%	$ 3,150,000	$ 3,608,621	114.56%	$ 743,064
WELFARE REIMBURSEMENT	$ 83,912	$ 47,098	56.13%	$ 90,656	$ 34,414	37.96%	$ 12,684
OTHER STATE AID	$ 32,000	$ 3,403	10.63%	$ 32,000	$ 15,763	49.26%	$ (12,360)
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 228,384	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 5,202,012	$ 4,821,929	92.69%	$ 3,891,040	$ 4,080,390	104.87%	$ 741,539
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 361,400	$ 86,085	23.82%	$ 184,400	$ 114,391	62.03%	$ (28,306)
PUBLIC SAFETY	$ 30,800	$ 72,387	235.02%	$ 176,600	$ 106,610	60.37%	$ (34,224)
EMS TRANSPORT	$ 1,350,000	$ 1,016,190	75.27%	$ 1,250,000	$ 993,181	79.45%	$ 23,009
TOTAL CHARGE FOR SERVICES	$ 1,742,200	$ 1,174,662	67.42%	$ 1,611,000	$ 1,214,182	75.37%	$ (39,520)
FINES							
PARKING TICKETS & MISC FINES	$ 28,000	$ 17,328	61.89%	$ 41,500	$ 29,456	70.98%	$ (12,128)
MISCELLANEOUS							
INVESTMENT INCOME	$ 30,000	$ 62,486	208.29%	$ 40,000	$ 16,580	41.45%	$ 45,906
RENTS	$ 75,000	$ 8,067	10.76%	$ 125,000	$ 9,996	8.00%	$ (1,929)
UNCLASSIFIED	$ 20,000	$ 151,943	759.72%	$ 20,000	$ 26,831	134.16%	$ 125,112
COMMERCIAL SOLID WASTE FEES	$ -	$ 39,230		$ -	$ 37,779		$ 1,451
SALE OF PROPERTY	$ 100,000	$ 1,562	1.56%	$ 120,000	$ 33,402	27.84%	$ (31,840)
MMWAC HOST FEES	$ 240,000	$ 154,741	64.48%	$ 234,000	$ 154,741	66.13%	$ (0)
TRANSFER IN: TIF	$ 1,140,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 619,000	$ -	0.00%	$ 473,925	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		$ 35,145					
CDBG	$ 588,154	$ -	0.00%	$ 252,799	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ 7,156	35.78%	$ 20,000	$ 13,854	69.27%	$ (6,698)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 475,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,332,154	$ 460,329	10.63%	$ 2,900,724	$ 293,183	10.11%	$ 132,001
TOTAL GENERAL FUND REVENUES	**$ 70,477,936**	**$ 44,798,901**	63.56%	**$ 65,147,914**	**$ 42,679,603**	65.51%	**$ 2,084,153**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 34,826,024	$ 21,223,137	60.94%	$ 28,900,061	$ 20,176,134	69.81%	$ 1,047,003
EDUCATION	$ 489,465	$ 258,254	52.76%	$ 518,821	$ 505,316	97.40%	$ (247,062)
SCHOOL FUND BALANCE CONTRIBUTION	$ 1,251,726	$ 22,928	1.83%	$ 879,404	$ 20,494	2.33%	$ 2,434
TOTAL SCHOOL	$ 36,567,215	$ 21,504,319	58.81%	$ 30,298,286	$ 20,701,944	68.33%	$ 802,375
GRAND TOTAL REVENUES	**$ 107,045,151**	**$ 66,303,219**	**61.94%**	**$ 95,446,200**	**$ 63,381,547**	**66.41%**	**$ 2,886,527**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH February 28, 2023 VS February 28, 2022

DEPARTMENT	FY 2023 BUDGET	EXP THRU FEB 2023	% OF BUDGET	FY 2022 BUDGET	EXP THRU FEB 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 170,500	$ 142,609	83.64%	$ 104,850	$ 104,334	99.51%	$ 38,275
CITY MANAGER	$ 510,978	$ 292,777	57.30%	$ 447,401	$ 364,293	81.42%	$ (71,516)
COMMUNICATIONS & ENGAGEMENT	$ 218,746	$ 109,864	50.22%	$ 911,637	$ 691,631	75.87%	$ (581,767)
CITY CLERK	$ 257,506	$ 176,545	68.56%	$ 237,474	$ 151,921	63.97%	$ 24,624
FINANCIAL SERVICES	$ 1,138,802	$ 802,791	70.49%	$ 810,303	$ 498,991	61.58%	$ 303,800
HUMAN RESOURCES	$ 222,099	$ 138,764	62.48%	$ 220,250	$ 133,832	60.76%	$ 4,932
INFORMATION TECHNOLOGY	$ 827,000	$ 566,703	68.53%		$ -		$ 566,703
TOTAL ADMINISTRATION	$ 3,345,631	$ 2,230,053	66.66%	$ 2,731,915	$ 1,945,002	71.20%	$ 285,051
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 666,629	$ 476,560	71.49%	$ 900,583	$ 524,676	58.26%	$ (48,116)
ECONOMIC DEVELOPMENT	$ 286,598	$ 190,735	66.55%	$ 108,469	$ 71,852	66.24%	$ 118,883
BUSINESS & COMMUNITY DEVELOPMENT	$ 671,411	$ 186,022	27.71%	$ 512,260	$ 181,386	35.41%	$ 4,636
HEALTH & SOCIAL SERVICES	$ 119,875	$ 117,757	98.23%	$ 119,875	$ 67,114	55.99%	$ 50,643
RECREATION & SPORTS TOURISM	$ 762,440	$ 420,839	55.20%	$ 584,056	$ 380,525	65.15%	$ 40,314
PUBLIC LIBRARY	$ 1,084,437	$ 632,590	58.33%	$ 1,052,163	$ 701,442	66.67%	$ (68,852)
TOTAL COMMUNITY SERVICES	$ 3,591,390	$ 2,024,503	56.37%	$ 3,277,406	$ 1,926,995	58.80%	$ 97,508
FISCAL SERVICES							
DEBT SERVICE	$ 8,361,254	$ 7,549,963	90.30%	$ 7,734,169	$ 6,955,516	89.93%	$ 594,447
CAPITAL INVESTMENT & PURCHASING	$ 672,473	$ 396,665	58.99%	$ 677,872	$ 464,005	68.45%	$ (67,340)
WORKERS COMPENSATION	$ 698,000	$ 698,000	100.00%	$ 642,400	$ 642,400	100.00%	$ 55,600
WAGES & BENEFITS	$ 7,876,393	$ 4,355,506	55.30%	$ 7,334,932	$ 4,295,731	58.57%	$ 59,775
EMERGENCY RESERVE (10108062-670000)	$ 461,230	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,069,350	$ 13,000,134	71.95%	$ 16,850,603	$ 12,357,652	73.34%	$ 642,482
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 5,693,284	$ 3,677,163	64.59%	$ 5,446,588	$ 3,778,791	69.38%	$ (101,628)
POLICE DEPARTMENT	$ 4,945,034	$ 3,104,438	62.78%	$ 4,343,924	$ 2,950,007	67.91%	$ 154,431
TOTAL PUBLIC SAFETY	$ 10,638,318	$ 6,781,601	63.75%	$ 9,790,512	$ 6,728,798	68.73%	$ 52,803
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 5,600,109	$ 3,416,448	61.01%	$ 5,077,370	$ 3,269,260	64.39%	$ 147,188
SOLID WASTE DISPOSAL*	$ 1,320,000	$ 752,769	57.03%	$ 1,089,950	$ 573,498	52.62%	$ 179,271
WATER AND SEWER	$ 792,716	$ 585,902	73.91%	$ 792,716	$ 585,902	73.91%	$ -
TOTAL PUBLIC WORKS	$ 7,712,825	$ 4,755,119	61.65%	$ 6,960,036	$ 4,428,660	63.63%	$ 326,459
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 206,299	100.63%	$ 177,000	$ 173,644	98.10%	$ 32,655
E911 COMMUNICATION CENTER	$ 1,217,713	$ 913,285	75.00%	$ 1,161,479	$ 871,109	75.00%	$ 42,176
LATC-PUBLIC TRANSIT	$ 431,811	$ 431,811	100.00%	$ 225,000	$ -	0.00%	$ 431,811
LA ARTS	$ 30,000	$ 22,500		$ 10,000	$ 10,000		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,144,524	$ 1,573,895	73.39%	$ 1,833,479	$ 1,054,753	57.53%	$ 519,142
COUNTY TAX	$ 2,761,220	$ 2,761,220	100.00%	$ 2,611,080	$ 2,611,080	100.00%	$ 150,140
TIF (10108058-580000)	$ 3,049,803	$ 2,479,088	81.29%	$ 3,049,803	$ 2,867,365	94.02%	$ (388,277)
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 51,313,061**	**$ 35,605,613**	**69.39%**	**$ 47,104,834**	**$ 33,920,305**	**72.01%**	**$ 1,685,308**
EDUCATION DEPARTMENT	$ 55,732,090	$ 21,891,745	39.28%	$ 48,341,366	$ 21,378,858	44.22%	$ 512,887
TOTAL GENERAL FUND EXPENDITURES	**$ 107,045,151**	**$ 57,497,358**	**53.71%**	**$ 95,446,200**	**$ 55,299,163**	**57.94%**	**$ 2,198,195**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF February 28, 2023

INVESTMENT		FUND	BALANCE February 28, 2023	BALANCE January 31, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 11,170,041.94	$ 11,161,108.84	**0.80%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,053,460.33	$ 1,054,180.39	**0.80%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 13,478,584.10	$ 17,467,617.45	**0.80%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 52,815.77	$ 52,773.27	**0.80%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 341,490.20	$ 341,215.28	**0.80%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 227,831.35	$ 227,831.35	**0.80%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 468,957.49	$ 468,597.98	**0.80%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 835,968.36	$ 952,286.19	**0.80%**
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	$ 15,450.87	$ 15,439.03	**0.80%**
NOMURA 2		ELHS Bond Proceeds	$ 41,148,609.00	$ 47,504,562.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
GRAND TOTAL			**$ 71,793,209.41**	**$ 82,245,611.78**	**2.88%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2022 - June 30, 2023
Report as of February 28, 2023

	Beginning Balance 2/1/2023	February 2023					Ending Balance 2/28/2023
		New Charges	Payments	Refunds	Adjustments	Write-Offs	
Bluecross	**$ 9,839.16**	$ 12,001.00	$ (4,961.52)		$ (6,960.68)		**$ 9,917.96**
Intercept	**$ 400.00**	$ 200.00	$ (200.00)		$ -		**$ 400.00**
Medicare	**$ 220,692.36**	$ 138,902.80	$ (66,773.28)		$ (109,781.86)		**$ 183,040.02**
Medicaid	**$ 51,623.76**	$ 49,823.00	$ (38,359.97)		$ (28,831.16)		**$ 34,255.63**
Other/Commercial	**$ 80,023.36**	$ 31,940.20	$ (17,165.28)		$ (1,472.42)		**$ 93,325.86**
Patient	**$ 121,686.00**	$ 19,312.40	$ (9,563.74)	$ 3.73	$ (485.49)	$ (26,528.17)	**$ 104,424.73**
Worker's Comp	**$ 1,127.80**	$ -	$ (837.80)		$ -		**$ 290.00**
TOTAL	**$ 485,392.44**	**$ 252,179.40**	**$ (137,861.59)**	**$ 3.73**	**$ (147,531.61)**	**$ (26,528.17)**	**$ 425,654.20**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2022 - June 30, 2023
Report as of February 28, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Totals	% of Total
Bluecross	$ 2,477.35	$ 13,307.40	$ 13,596.80	$ 13,635.40	$ 10,192.40	$ 11,633.60	$ 13,907.00	$ 12,001.00	$ 90,750.95	3.83%
Intercept	$ 100.00	$ -	$ 100.00	$ 200.00	$ 200.00	$ 300.00	$ 200.00	$ 200.00	$ 1,300.00	0.05%
Medicare	$ 155,398.20	$ 205,712.40	$ 155,567.20	$ 163,526.80	$ 154,190.50	$ 190,431.40	$ 216,896.50	$ 138,902.80	$ 1,380,625.80	58.30%
Medicaid	$ 61,000.80	$ 82,386.60	$ 63,625.60	$ 50,457.40	$ 68,679.75	$ 51,541.80	$ 65,923.00	$ 49,823.00	$ 493,437.95	20.84%
Other/Commercial	$ 38,520.45	$ 50,549.60	$ 28,756.00	$ 21,232.20	$ 18,577.60	$ 28,491.40	$ 26,074.30	$ 31,940.20	$ 244,141.75	10.31%
Patient	$ 8,120.20	$ 12,558.80	$ 18,008.60	$ 32,205.60	$ 18,078.20	$ 18,295.40	$ 19,672.25	$ 19,312.40	$ 146,251.45	6.18%
Worker's Comp	$ 1,803.40	$ 3,664.60	$ -	$ 827.00	$ 1,805.20	$ 1,720.60	$ 1,974.60	$ -	$ 11,795.40	0.50%
TOTAL	$ 267,420.40	$ 368,179.40	$ 279,654.20	$ 282,084.40	$ 271,723.65	$ 302,414.20	$ 344,647.65	$ 252,179.40	$ 2,368,303.30	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2022 - June 30, 2023
Report as of February 28, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Totals	% of Total
Bluecross	3	13	14	14	11	12	14	12	93	3.56%
Intercept	1	0	1	2	2	3	2	2	13	0.50%
Medicare	170	231	170	180	170	205	237	163	1526	58.33%
Medicaid	65	88	69	55	77	57	75	55	541	20.68%
Other/Commercial	43	54	30	23	21	33	32	37	273	10.44%
Patient	10	13	19	34	20	18	21	22	157	6.00%
Worker's Comp	2	4		1	2	2	2	0	13	0.50%
TOTAL	294	403	303	309	303	330	383	291	2616	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of February 28, 2023

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1928 Vending	1929 Fire Prevention	1931 Donations	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2010 State Drug Money	2011 PD Capital Reserve	2013 OUI Grant	2014 Speed Grant	2016 Pedestrian Safety
Fund Balance 7/1/22	$ 517,052.67	$ 6,919.98	$ 34,914.39	$ 1,421.68	$ 3,039.35	$ -	$ 4,796.03	$ 169.19	$ 2,808.57	$ 79,868.61	$ (153,799.68)	$ 4,289.65	$ 23,595.00	$ 4,356.29	$ 5,520.52	$ 409.11
Revenues FY23	$ 52,553.38	$ 1,256.95	$ 1,290.30		$ 6,090.00	$ 100.00				$ 200,100.00	$ 101,027.87	$ 45.00	$ 11,148.75		$ 3,818.51	$ 1,053.34
Expenditures FY23	$ 145,743.00	$ 950.00	$ 386.10		$ 3,780.72	$ 765.59		$ 382.50		$ 359,133.77	$ 23,310.71	$ 2,488.41	$ -		$ 3,414.26	$ 917.14
Fund Balance 2/28/2023	**$ 423,863.05**	**$ 7,226.93**	**$ 35,818.59**	**$ 1,421.68**	**$ 5,348.63**	**$ (665.59)**	**$ 4,796.03**	**$ (213.31)**	**$ 2,808.57**	**$ (79,165.16)**	**$ (76,082.52)**	**$ 1,846.24**	**$ 34,743.75**	**$ 4,356.29**	**$ 5,924.77**	**$ 545.31**

	2018 Nat Opioid Settlement	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2050 Project Lifesaver	2051 Project Canopy
Fund Balance 7/1/22	$ -	$ (8,205.29)	$ 1,069,816.45	$ 30,822.46	$ -	$ 46,171.40	$ 2,560.00	$ 8,281.24	$ 20,536.23	$ 22,850.45	$ (930.00)	$ 92,332.26	$ (1,695.00)	$ -	$ 189.35	$ (9,519.48)
Revenues FY23	$ 211,035.72		$ 599,959.39	$ 119.34	$ 31,165.02	$ 98,064.00		$ 2,288.40		$ 3,360.73	$ 930.00	$ 15,066.91	$ 49,569.53	$ 12,000.00		$ 7,996.88
Expenditures FY23			$ 796,728.03	$ 562.00	$ 104.71	$ 111,112.04		$ 4,122.14		$ 3,623.52		$ 3,651.12	$ 49,569.53	$ 9,786.95		
Fund Balance 2/28/2023	**$ 211,035.72**	**$ (8,205.29)**	**$ 873,047.81**	**$ 30,379.80**	**$ 31,060.31**	**$ 33,123.36**	**$ 2,560.00**	**$ 6,447.50**	**$ 20,536.23**	**$ 22,587.66**	**$ -**	**$ 103,748.05**	**$ (1,695.00)**	**$ 2,213.05**	**$ 189.35**	**$ (1,522.60)**

	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME-PAL	2059 Distracted Driving	2067 Hometown Heros Banners	2068 Northern Borders Grant	2070 Leadercast	2077 CTCI Gramt	2080 Futsol Court Project	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	6200 Ingersoll Turf
Fund Balance 7/1/22	$ 21,359.27	$ 170,048.62	$ 4,911.03	$ 898.69	$ 209.00	$ 178,046.71	$ (3,500.00)	$ 1,719.02	$ 25,353.61	$ 12,716,078.13	$ (1,443.69)	$ 10,000.00	$ 232,365.87	
Revenues FY23	$ (147.11)	$ 176,221.28		$ 508.14						$ 284,198.36	$ 6,829.89		$ 272,901.78	
Expenditures FY23			$ -	$ 604.26				$ 481.25		$ 1,158,148.36	$ 11,961.61		$ 361,745.76	
Fund Balance 2/28/2023	**$ 21,212.16**	**$ 346,269.90**	**$ 4,911.03**	**$ 802.57**	**$ 209.00**	**$ 178,046.71**	**$ (3,500.00)**	**$ 1,237.77**	**$ 25,353.61**	**$ 11,842,128.13**	**$ (6,575.41)**	**$ 10,000.00**	**$ 143,521.89**	**$ -**

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues
Fund Balance 7/1/22	**$ 78,950.70**	**$ 806,274.01**	**$ 237,684.12**	**$ (519,427.49)**	**$ 455,494.65**	**$ (900,465.25)**	**$ (0.03)**	**$ (2,663.69)**	$ 1,120.91	$ 50,241.31	$ 84,060.95	$ 33,113.81	$ 13,914.35	$ (102,204.06)	$ -	$ 15,400,711.98
Revenues FY23	$ 190,974.78		$ 865,341.00	$ 157,316.00	$ 294,264.43	$ 448,773.33	$ 48,589.45	$ 30,616.50	$ 56,495.08	$ 48,218.63	$ 96,002.45	$ 113,293.40	$ 35,248.40	$ 34,426.44	$ 59,527.65	$ 4,629,639.90
Expenditures FY23			$ 307,083.16	$ 244,200.00	$ 69,152.14	$ 105,461.73	$ 14,576.84		$ 28,247.54	$ 12,054.66	$ 24,000.61	$ 136,134.34	$ 17,624.20	$ 6,034.48		$ 4,018,043.18
Fund Balance 2/28/2023	**$ 269,925.48**	**$ 806,274.01**	**$ 795,941.96**	**$ (606,311.49)**	**$ 680,606.94**	**$ (557,153.65)**	**$ 34,012.58**	**$ 27,952.81**	**$ 29,368.45**	**$ 86,405.28**	**$ 156,062.79**	**$ 10,272.87**	**$ 31,538.55**	**$ (73,812.10)**	**$ 59,527.65**	$ 16,012,308.70

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

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

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of February 28, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of February 28, 2023.

Current Assets:
As of the end of February 2023 the total current assets of Ingersoll Turf Facility were $283,666. This consisted of cash and cash equivalents and interfund receivables with an increase from January of $709.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of February 28, 2023, were $61,779.

Liabilities:
Ingersoll had no accounts payable as of February 28, 2023.

Statement of Activities:

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

The operating revenues for Ingersoll Turf Facility through February 2023 are $109,706. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through February 2023 were $27,775. These expenses include supplies, repairs, and capital purchases. All other expenditures are now under the recreation budget.

As of February 2023, Ingersoll has an operating gain of $81,931 compared to $81,222 in January an increase in the gain of $709.

As of February 28, 2023, Ingersoll has an increase in net assets of $81,931.

The budget to actual reports for revenue and expenditures, show that the revenue for FY23 compared to FY 22.

Statement of Net Assets
Ingersoll Turf Facility
February 28, 2023
Business-type Activities - Enterprise Fund

		February 28, 2023	January 31, 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 227,831	$ 227,647	$ 184
Interfund receivables/payables		$ 55,835	$ 55,310	525
Accounts receivable		-	-	-
	Total current assets	283,666	282,957	709
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(748,757)	(748,757)	-
	Total noncurrent assets	61,779	61,779	-
	Total assets	345,445	344,736	709
LIABILITIES				
Accounts payable		$ -	$ -	-
Interfund payable		$ -	$ -	-
Total liabilities		-	-	-
NET ASSETS				
Invested in capital assets		$ 61,779	$ 61,779	$ -
Unrestricted		$ 283,666	$ 282,957	$ 709
Total net assets		**$ 345,445**	**$ 344,736**	**$ 709**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
February 28, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 109,706
Operating expenses:	
Personnel	490
Supplies	11,508
Utilities	
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	15,777
Other expenses	
Total operating expenses	27,775
Operating gain (loss)	81,931
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	81,931
Transfers out	-
Change in net assets	81,931
Total net assets, July 1	263,514
Total net assets, February 28, 2023	**$ 345,445**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through February 28, 2023 compared to February 28, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU FEB 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU FEB 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 2,500		$ 25,000	$ 6,275	25.10%
Batting Cages		$ 9,330		$ 16,000	$ 13,121	82.01%
Programs		$ 27,953		$ 94,000	$ 39,024	41.51%
Rental Income		$ 69,108		$ 138,000	$ 65,523	47.48%
TOTAL CHARGE FOR SERVICES	$ -	$ 108,891		$ 273,000	$ 123,943	45.40%
INTEREST ON INVESTMENTS	$ -	$ 815		$ -	$ 401	
GRAND TOTAL REVENUES	**$ -**	**$ 109,706**		**$ 273,000**	**$ 124,344**	**45.55%**

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through February 28, 2023 compared to February 28, 2022

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU FEB 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU FEB 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			$ 133,041	$ 64,766	48.68%	$ (64,766)
Purchased Services		$ 490		$ 15,750	$ 3,633	23.07%	$ (3,143)
Programs		$ 11,508		$ 16,300	$ -	0.00%	$ 11,508
Supplies				$ 2,500	$ 12,115	484.60%	$ (12,115)
Utilities				$ 24,150	$ 13,935	57.70%	$ (13,935)
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 15,777		$ -	$ 5,556		$ 10,221
	$ -	$ 27,775		$ 191,741	$ 100,005	52.16%	$ (72,230)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 27,775**		**$ 191,741**	**$ 100,005**	**52.16%**	**$ (72,230)**

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for February 28, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of February 28, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities, and net assets and shows a comparison to the previous month, in this case, January 31, 2023.

Current Assets:
As of the end of February 2023 the total current assets of Norway Savings Bank Arena were ($1339,907). These consisted of cash and cash equivalents of $281,140, accounts receivable of $190,627, and an interfund payable of $1,811,720.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of February 28, 2023 was $147,691.

Liabilities:
Norway Arena had no accounts payable as of February 28, 2023.

Statement of Activities:

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

The operating revenues for Norway Arena through February 2023 are $555,201. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

The operating expenses for Norway Arena through February 2023 were $511,567. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

At the end of February 2023, there was an operating gain of $43,634.

As of February 28, 2023, Norway Arena has an increase in net assets of $43,634.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $555,201 more than in FY22 and expenditures in FY23 are $206,766 less than last year in February.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
February 28, 2023
Business-type Activities - Enterprise Fund

		February 28 2023	January 31 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 281,140	$ 281,162	$ (22)
Interfund receivables		$ (1,811,720)	$ (1,698,370)	$ (113,350)
Prepaid Rent				$ -
Accounts receivable		190,673	176,845	$ 13,828
	Total current assets	(1,339,907)	(1,240,363)	(99,544)
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		514,999	514,999	-
Land improvements		-	-	-
Less accumulated depreciation		(425,531)	(425,531)	-
	Total noncurrent assets	147,691	147,691	-
	Total assets	(1,192,216)	(1,092,672)	(99,544)
LIABILITIES				
Accounts payable		$ -	$ -	$ -
Net OPEB liability		$ 43,810	$ 43,810	$ -
Net pension liability		42,634	42,634	-
Total liabilities		86,444	86,444	-
NET ASSETS				
Invested in capital assets		$ 147,691	$ 147,691	$ -
Unrestricted		$ (1,426,351)	$ (1,326,807)	$ (99,544)
Total net assets		**$ (1,278,660)**	**$ (1,179,116)**	**$ (99,544)**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
February 28, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 555,201
Operating expenses:	
Personnel	248,906
Supplies	34,643
Utilities	101,263
Repairs and maintenance	44,338
Insurance Premium	33,538
Depreciation	-
Capital expenses	29,056
Other expenses	19,823
Total operating expenses	511,567
Operating gain (loss)	43,634
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	43,634
Transfers out	-
Change in net assets	43,634
Total net assets, July 1	(1,322,294)
Total net assets, February 28, 2023	**$ (1,278,660)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through February 28, 2023 compared to February 28, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU FEB 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU FEB 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500	$ 12,500	75.76%	$ (12,500)
Skate Rentals	$ 6,000	$ 1,715	28.58%	$ 6,000	$ 425	7.08%	$ 1,290
Pepsi Vending Machines	$ 2,000	$ 1,348	67.40%	$ 2,000	$ 779	38.95%	$ 569
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ 1,093	36.43%	$ (1,093)
Vending Food	$ 2,000	$ 733	36.65%	$ 2,000	$ 148	7.40%	$ 585
Sponsorships	$ 230,000	$ 130,882	56.91%	$ 185,000	$ 154,951	83.76%	$ (24,069)
Pro Shop	$ 7,000	$ 2,925	41.79%	$ 7,000	$ 4,622	66.03%	$ (1,697)
Programs	$ 20,000		0.00%	$ 20,000	$ -	0.00%	$ -
Rental Income	$ 702,000	$ 347,355	49.48%	$ 683,500	$ 554,504	81.13%	$ (207,149)
Camps/Clinics	$ 50,000	$ 21,010	42.02%	$ 50,000	$ 24,860	49.72%	$ (3,850)
Tournaments	$ 50,000	$ 49,233	98.47%	$ 50,000	$ 8,085	16.17%	$ 41,148
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 555,201	51.01%	$ 1,025,000	$ 761,967	74.34%	$ (206,766)

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through February 28, 2023 compared to February 28, 2022

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU FEB 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU FEB 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 248,906	85.51%	$ 339,437	$ 142,248	41.91%	$ 106,658
Purchased Services	$ 136,900	$ 77,876	56.89%	$ 123,928	$ 53,777	43.39%	$ 24,099
Supplies	$ 76,562	$ 54,466	71.14%	$ 79,000	$ 46,040	58.28%	$ 8,426
Utilities	$ 267,000	$ 101,263	37.93%	$ 250,350	$ 150,876	60.27%	$ (49,613)
Capital Outlay	$ 50,000	$ 29,056	58.11%	$ 42,500	$ -	0.00%	$ 29,056
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 511,567	62.27%	$ 835,215	$ 392,941	47.05%	$ 118,626
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 511,567**	**62.27%**	**$ 835,215**	**$ 392,941**	**47.05%**	**$ 118,626**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023

Subject: Executive Session

Information: Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City. ***Possible action will follow.***

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 16, 2023

Subject: Executive Session

Information: Labor contract negotiations – Public Works Teamsters (Drivers), pursuant to 1 M.R.S.A. §405(6)(D).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: March 20, 2023

Subject: Executive Session

Information: Labor contract negotiations – Public Works Teamsters (Mechanics), pursuant to 1 M.R.S.A. §405(6)(D).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Workshop & Meeting
Agenda
April 3, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. FY 24 Preliminary Budget & 5-year Capital Improvement Plan (CIP) Discussion – Phil Crowell
B. Lewiston Falls/Monty Hydro Facility licensing process – Eric Cousens
C. Executive Session - Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.
D. Executive Session - Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 36-04032023***
Setting the date for the School Budget Validation Referendum Election (June 13, 2023).

2. **Order 45-04032023***
Approving the transfer of $1,600 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department.

3. **Order 46-04032023***
Approving the transfer of $2,000 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department.

II. Minutes - March 20, 2023, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Communication – Request for funds from David Chittim, President of the Androscoggin Historical Society
- LA Arts programming review and funding request
- Council Communications (about and to the community)

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

V. Unfinished Business

1. Order 33-03202023
Approving $4,598,331 of additional costs for environmental remediation of the new high school project and authorizing general obligation bonds and a tax levy therefor. Public hearing and second reading.

VI. New Business

1. Order 37-04032023
Approving the question for a Municipal Referendum Election with respect to environmental remediation costs for the new high school construction project and general obligation bonds therefor.

2. Order 38-04032023
Authorizing the City Manager to execute the sale of St. Louis Church, 32 Dunn Street, Auburn, Maine.

3. Order 39-04032023
Approving the liquor license for the Olive Garden. Public hearing and vote.

4. Order 40-04032023
Approving the Annual Reports to the Maine State Housing Authority for Tax Year 4/1/2022 – 3/31/2023.

5. Order 41-04032023
Authorizing the City Manager to execute the Collective Bargaining Agreement with the Public Works Teamsters (Highway), effective 07/01/2023.

6. Order 42-04032023
Authorizing the City Manager to execute the Collective Bargaining Agreement with the Public Works Teamsters (Mechanics), effective 07/01/2023.

7. Order 43-04032023
Approving the Mass Gathering for the Auburn Lobster Festival event to be held 05/06/2023. Public hearing.

8. Order 44-04032023
Approving the temporary liquor license for an Incorporated Civic Organization for the Auburn Lobster Festival event to be held 05/06/2023. Public hearing.

9. Order 47-04032023
Accepting the consideration of Riverside Drive gifted property.

10. Order 48-04032023
Authorizing the City Manager to enter into a naming rights agreement of the Drummond Street Playground Park with Tizz Crowley.

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

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports

c. City Manager Report

IX. Executive Sessions

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023

Author: Sue Clements-Dallaire, City Clerk

Subject: FY2024 Preliminary Budget and CIP 5-Year Plan discussion

---

Information: City Manager Phil Crowell will provide information to the Mayor and City Council regarding the FY24 Preliminary Budget and proposed 5-year Capital Improvement Plan.

City Budgetary Impacts: None at this time.

Staff Recommended Action: Review the preliminary budget and 5 year CIP plan/projects.

Previous Meetings and History: The 5 Year CIP Plan was discussed at the 3/20/2023 Council workshop.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Final Five Year CIP Plan

March 30, 2023

Honorable Mayor Jason Levesque
Auburn City Council Members

RE: Five Year Capital Improvement Program Plan

Dear Mayor and Councilors:

The Five-Year City of Auburn Capital Improvement Plan is hereby submitted for your review in accordance with the provisions of the City Charter.

CAPITAL IMPROVEMENT

Introduction

My preliminary draft recommendations for the FY24 Capital Improvement Program were presented for your review at the Joint City Council and School Committee workshop on March 20, 2023. The City of Auburn Capital Improvement Plan, updated annually, is a five-year plan that serves as a multi –year planning instrument. The expectation is that looking longer-term will bring stability to requests over time. While the long-term CIP Plan takes a five year look at the needs of the city, the focus will be on the projects requested for the upcoming fiscal year. Finally, the initial presentation of the CIP includes all needs of the city to sustain operations.

As usual the CIP includes a spreadsheet for FY 2024 by expenditure and department, including the intended source of funds. There is also a more detailed sheet of expenditures planned for this year.

Charter Requirements

1. A clear general summary of its contents;
2. Identification of the long-term goals of the community;
3. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity of each;
4. Cost estimates and recommended time schedules for each improvement or other capital expenditures;
5. Method of financing upon which each capital expenditure is to be reliant;
6. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
7. A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
8. Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

Long-term Goals

The goals of the City of Auburn focus on these 5 general areas. These are not in any particular order of importance:

1. Planning for a better future.
2. Reclaiming our streets.
3. Making housing more attainable.
4. Enacting resilient solutions.
5. Enriching neighborhood identities

The FY24 Work Plan recognizes that there are also other goals that serve as a "catch-all" for items outside of these 5 areas.

Of course, we must remain aware of the overall cost of services and taxes. And we must also acknowledge that there is a limit to the amount of spending and debt service the City can afford. This leads me to suggest that the CIP has a final, general goal, "to assure that the assets of the City are maintained in a fiscally responsible manner." Following this approach recognizes that neglect or underfunding the capital needs of the City results in long-term increased costs.

Cost and Schedule

Please see attached spreadsheet at the end of the memo.

Status (See Next Page)

Sustainability

Sustainability has two concepts that must be acknowledged. The first is the core principle that assets are maintained such that they do not deteriorate to the point of being destroyed or beyond repair. The second concept identifies that the City of Auburn can only afford to sustain a certain annual expense. The job of the staff and Council is to strike that balance the best way possible.

The following chart shows the amount of debt issued and retired over the last fifteen years.

CAPITAL IMPROVEMENT PROGRAM - Fund 3000

CURRENT STATUS OF BONDED PROJECTS

FY 22-23

Description	Original Budget	Revised Budget	FY 22 Actual	FY 23 To Date 3/7/2023	Total Exp	Encumbered	Unexpended (Over exp)	Notes
2021 GO BOND (FY 21-22)								
Airport Snow Removal	125,000.00	125,000.00		125,000.00	125,000.00		-	Completed
Union St/Chestnut Park	90,000.00	90,000.00	90,000.00		90,000.00		-	Completed
Hasty HVAC/Efficiency	375,000.00	375,000.00			-	253,668.00	121,332.00	
Comp Plan Property Acquisition	800,000.00	800,000.00	7,411.63	789,555.32	796,966.95	3,033.05	0.00	Completed
Pettingill Ball Field Renovation	350,000.00	350,000.00	330,675.00	8,989.69	339,664.69		10,335.31	
Park Upgrades	50,000.00	50,000.00	50,000.00		50,000.00		-	Completed
Airport East Side Ramp	78,750.00	78,750.00	78,750.00		78,750.00		-	Completed
Fiber Rollout	43,000.00	43,000.00	43,000.00		43,000.00		-	Completed
Eagle View Oblique	50,000.00	50,000.00	29,695.30	2,078.70	31,774.00	18,226.00	-	
PD-Body Cameras	170,000.00	170,000.00	170,000.00		170,000.00		-	Completed
Festival Plaza Rehab	100,000.00	100,000.00	4,181.00	542.14	4,723.14	819.00	94,457.86	
NSBA Dehumidification	20,000.00	20,000.00	-		-	20,000.00	-	
NSBA RO Water Treatment	35,000.00	35,000.00	-		-		35,000.00	
Public Safety Facility	200,000.00	200,000.00	160,838.33	39,161.67	200,000.00		-	Completed
Major Drainage	725,000.00	725,000.00	-	65,510.61	65,510.61	659,489.39	-	
Rec Playground Upgrade	1,300,000.00	1,300,000.00	10,416.24	547,906.63	558,322.87	200,300.00	541,377.13	
Reclamation	1,275,000.00	1,275,000.00	24,286.09	383,268.08	407,554.17	448,335.21	419,110.62	
Reconstruction	1,000,000.00	1,000,000.00	-	542,427.35	542,427.35	457,572.65	-	
Resurfacing	1,000,000.00	1,000,000.00	679,693.13	62,502.68	742,195.81	295,731.37	(37,927.18)	
MDOT Match	900,000.00	900,000.00	12,000.00	123,739.68	135,739.68	674,856.48	89,403.84	
Fire Air Pack	280,000.00	280,000.00	-	267,754.30	267,754.30	12,245.70	-	
PW 12 YD Pow	232,000.00	232,000.00	216,899.00	15,101.00	232,000.00		-	Completed
PW-Tracked Excavation	260,000.00	260,000.00	260,000.00	-	260,000.00		-	Completed
PW-Tractor Replacement	160,000.00	160,000.00	160,000.00		160,000.00		-	Completed
Police Vehicles	159,000.00	159,000.00	34,580.33	124,419.67	159,000.00		-	Completed
Police Motorcycle	18,000.00	18,000.00	18,000.00		18,000.00		-	Completed
Planning Inspection Vehicle	24,000.00	24,000.00	24,000.00		24,000.00		-	Completed
Fire Apparatus	45,000.00	45,000.00	45,000.00		45,000.00		-	Completed
Fire UTV/Rescue Equipment	30,000.00	30,000.00	6,165.00	23,835.00	30,000.00		-	Completed
Contingency	5,250.00	5,250.00	5,250.00		5,250.00			Completed
School Department	1,250,000.00	1,250,000.00	1,076,370.46		1,076,370.46		173,629.54	
Subtotal 2021 Bonds	**11,150,000.00**	**11,150,000.00**	**3,537,211.51**	**3,121,792.52**	6,659,004.03	**3,044,276.85**	**1,446,719.12**	
2022 GO BOND (FY 22-23)								
Auburn Hall Lighting	60,000.00	60,000.00			-		60,000.00	
Dangerous Buildings	120,000.00	120,000.00		58,442.73	58,442.73	47,430.57	14,126.70	
PO-Mobile Printers	50,000.00	50,000.00		24,179.80	24,179.80		25,820.20	
Public Safety Facility	300,000.00	300,000.00			-	32,000.00	268,000.00	
Major Drainage	500,000.00	500,000.00		4,748.80	4,748.80	1,912.50	493,338.70	
Reclamation	1,800,000.00	1,800,000.00			-	1,800,000.00	-	
Reconstruction	1,200,000.00	1,200,000.00			-		1,200,000.00	
Resurfacing	600,000.00	600,000.00			-		600,000.00	
Sidewalks	100,000.00	100,000.00			-		100,000.00	
Enhanced Crosswalks	200,000.00	200,000.00			-		200,000.00	
MDOT Match	1,100,000.00	1,100,000.00		238,514.20	238,514.20		861,485.80	
Downtown Parking & Walkability	148,000.00	148,000.00			-		148,000.00	
12 Yard Plow Truck	520,000.00	520,000.00			-	520,000.00	-	
Street Sweeper	265,000.00	265,000.00		265,000.00	265,000.00		-	Completed
Tractor (haul) Replacemnt	75,000.00	75,000.00		75,000.00	75,000.00		-	Completed
Portable Flagging System	50,000.00	50,000.00		50,000.00	50,000.00		-	Completed
Police Vehicles	165,000.00	301,595.00		169,212.59	169,212.59	108.00	132,274.41	
Contingency	47,000.00	47,000.00		15,685.00				
Subtotal 2022 Bonds	**7,300,000.00**	**7,436,595.00**	**-**	**900,783.12**	900,783.12	**2,401,451.07**	**4,103,045.81**	
TOTAL	**18,450,000.00**	**18,586,595.00**	**3,537,211.51**	**4,022,575.64**	**7,559,787.15**	**5,445,727.92**	**5,549,764.93**	

.

Debt Service Analysis

	Outstanding Debt at Beginning of Fiscal Year	Debt Issued	Debt Retirement	Outstanding Debt at End of Fiscal Year
FY 08-09	$70,267,000	$6,430,000	$8,772,000	$67,925,000
FY 09-10	$67,925,000	$6,500,000	$8,452,000	$65,973,000
FY 10-11	$65,973,000	$7,900,000	$8,412,000	$65,461,000
FY 11-12	$65,461,000	$4,500,000	$8,722,000	$61,239,000
FY 12-13	$61,239,000	$6,207,323	$7,912,000	$59,534,323
FY 13-14	$59,534,323	$5,625,000	$8,332,732	$56,826,591
FY 14-15	$56,826,591	$6,800,000	$8,455,733	$55,170,858
FY 15-16	$55,170,858	$9,950,000	$12,895,732	$52,225,126
FY 16-17	$52,225,126	$5,030,000	$8,620,732	$48,634,394
FY 17-18	$48,634,394	$8,500,000	$8,250,732	$48,883,662
FY 18-19	$48,883,662	$7,655,000	$8,872,811	$47,665,851
FY 19-20	$44,720,000	$22,900,000	$7,695,000	$59,925,000
FY 20-21	$59,925,000	$76,445,000	$24,240,000	$112,130,000
FY 21-22	$112,130,000	$60,070,000	$8,299,900	$163,900,100
FY 22-23	$163,900,100	$6,800,000	$12,328,518	$158,371,582

Average Debt Issued FY 08 - FY 23 $10,387,909

Minus the debt for ELHS new High School

Between FY09 and FY19 the City's total outstanding debt was reduced by **$22,601,149**. Due to the approval by the State of the New Edward Little High School, In FY 20 through FY 22 the City has borrowed the $120,000,000 to complete the project. Of this $120,000,000, the State of Maine will pay the debt service on approximately $105,000,000, leaving $15,000,000 to be paid by the City. It is my goal to keep the debt service payments at 12% - 14% of the total operating budget as recommended by our bond advisors. This is the range that bond rating agencies look favorably on. Less than this and the bond rating agencies will feel that we are not addressing our infrastructure needs. And more than this will make them concerned about our ability to repay the debt. These efforts in conjunction with other sound management policies should continue to support or improve the City's bond rating.

Per the State of Maine's state valuation for 2023, below is a table that shows what the City of Auburn's legal debt limitation is as of June 30, 2023. This statutory analysis needs to be reviewed with the understanding of the City's capacity to meet debt service payments.

CITY OF AUBURN, MAINE
Legal Debt Management
Last Ten Years

Computation of Legal Debt Margin
June 30, 2023

Total State Valuation	$ 2,607,050,000
Legal Debt Limitation:	
15% of State Valuation	391,057,500

Debt Applicable to Debt Limitation:

	Legal Maximum		Bonded General Obligation Debt		
				As a Percent of	
			Dollar	Legal	State
Purpose	Percentage	Amount	Amount	Maximum	Valuation
Municipal & School	15.0%	$ 391,057,500	-	0.00%	0.00%
		Margin for Additional Borrowing:	$ 391,057,500		

Historical Legal Debt Margin
Last Ten Fiscal Years

	Legal Debt Limit	Debt Outstanding	Legal Debt Margin	Debt Outstanding/ Legal Debt Limit
2007	$ 288,330,000	72,629,000	215,701,000	25.2%
2016	294,015,000	52,225,126	241,789,874	17.8%
2017	297,592,500	48,634,394	248,958,106	16.3%
2018	297,255,000	48,883,662	248,371,338	16.4%
2019	300,330,000	48,082,930	252,247,070	16.0%
2020	315,592,500	59,925,000	255,667,500	14.9%
2021	326,385,000	112,130,000	214,255,000	14.9%
2022	342,300,000	178,342,692	163,957,308	52.1%
2023	391,057,500	159,770,000	231,287,500	40.9%

The most significant impact to the City of Auburn's debt service being sustainable is investment in road infrastructure. Auburn's local roads currently have zero funding in the operating budget. In the City's Engineering CIP request there is $6.0 million recommended for this coming fiscal year. The $6.0 million, if funding and construction costs remain stable, would result in an ability to reconstruct, reclaim or overlay only 10% of the roads over the next 10 years.

The funding allocated to overlays will proportionally grow as the City's roadways are reconstructed. The overlay acts as a surface maintenance that protects and sustains previous reconstruction and reclamation projects. These funds account for 25% of the current request for the recommended budget but account for 80% of the roads undergoing work.

Capital Investment Director Dan Goyette has said a maintenance program that would stabilize the remaining 90% of local roads would require $10,000,000 per year. Due to both staff capacity and financial availability this is too much to add to the operating budget in one year.

Finally, I would like to thank the City Finance Director Jill Eastman for her major contribution to the preparation of this memo and her overall assistance with the Five-Year CIP Plan, the FY24 CIP, and the FY24 Budget. The City of Auburn has a capable and dedicated team with sound financial management.

Sincerely,

Phillip L. Crowell Jr.

Phillip L. Crowell Jr., City Manager

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
AUBURN-LEWISTON AIRPORT					
Airport Owned T-Hangars	$ -				
TOTAL AUBURN-LEWISTON AIRPORT	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
CITY CLERK					
Record Restoration	$ 50,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Fire Proof Vault Construction			$ 100,000		
TOTAL CITY CLERK	**$ 50,000**	**$ 100,000**	**$ 200,000**	**$ 100,000**	**$ 100,000**
PLANNING & PERMITTIHNG					
Dangerous Buildings and Junkyard Cleanups	$ 400,000	$ 200,000	$ 100,000	$ 100,000	
Comprehensive Plan Program	$ 200,000	$ 400,000			
Discontinue Municipal Fire Alarm System		$ 200,000			
Downtown Parking and Walkability-Grant Match		$ 400,000	$ 400,000	$ 400,000	
TOTAL PLANNING AND PERMITTING	**$ 600,000**	**$ 1,200,000**	**$ 500,000**	**$ 500,000**	**$ -**
CAPITAL INVESTMENT AND PURCHASING					
Facilities					
Auburn Hall Carpet Replacement	$ 85,000				
Auburn Hall Boiler/Mechanical Upgrades			$ 865,000		
Hasty HVAC Replacement and Ventilation Upgrades	$ 550,000				
Auburn Public Library Boiler Replacement		$ 125,000			
NSBA Exhaust Fan and Control System Upgrade	$ 68,000				
Ingersoll Field Lighting Replacement	$ 35,000				
Ingersoll Arena Installation of Air Conditioning				$ 445,000	
Library HVAC and Controls Upgrade		$ 630,000			
Public Safety Facility	$ 3,000,000	$ 25,000,000	$ 25,000,000		
Public Works Space Needs Analysis/Addition		$ 100,000			$ 3,500,000
Intermodal Facility		$ 25,000			
Auburn Hall Building Envelope Repairs			$ 100,000		
Building Management Control System			$ 200,000		
Public Works Repoint Brick			$ 100,000		
Auburn Hall Reconfiguration/APD Relocate				$ 500,000	
PAL Center (new)	$ 1,500,000	$ 1,500,000			
Total Facilities	**$ 5,238,000**	**$ 27,380,000**	**$ 26,265,000**	**$ 945,000**	**$ 3,500,000**
City wide Vehicles					
Police Vehicle Replacement	$ 225,500	$ 265,300	$ 267,300	$ 269,300	$ 271,300
Public Works Replace Car (Ford Ranger)	$ 25,000				
Recreation Mini Bus replacement/upgrade	$ 80,000		$ 80,000		
Total City Wide Vehicles	**$ 330,500**	**$ 265,300**	**$ 347,300**	**$ 269,300**	**$ 271,300**
Engineering					
Reconstruction	$ 1,500,000	$ 3,600,000	$ 1,300,000	$ 1,400,000	$ 1,000,000

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Reclamation	$ 1,500,000	$ 1,150,000	$ 1,000,000	$ 1,000,000	$ 1,200,000
Major Drainage	$ 500,000	$ -	$ -	$ -	$ -
MDOT Match	$ 1,500,000	$ 1,100,000	$ 1,000,000	$ 1,000,000	$ 1,200,000
Resurfacing	$ 750,000	$ 900,000	$ 1,000,000	$ 700,000	$ 300,000
Retaining Walls	$ 250,000	$ 444,000	$ 40,000		
Pavement Assessment	$ 100,000				
Total Engineering	**$ 6,100,000**	**$ 7,194,000**	**$ 4,340,000**	**$ 4,100,000**	**$ 3,700,000**
TOTAL CAPITAL INVESTMENTS & PURCHASING	**$ 11,668,500**	**$ 34,839,300**	**$ 30,952,300**	**$ 5,314,300**	**$ 7,471,300**
FIRE DEPARTMENT					
Fire					
Apparatus Replacement	$ 60,000	$ 785,000	$ 60,000	$ 50,000	
Fire Hose Replacement			$ 40,000		
Extrication equipment replacement	$ 50,000				
Air-pac replacement					
Rescue Boat Replacement		$ 30,000			
AEDs for Police & Fire	$ 45,000				
Cascade air fill station system replacement			$ 60,000		
Rescue Trailer	$ 15,000				
Total Fire	**$ 170,000**	**$ 815,000**	**$ 160,000**	**$ 50,000**	**$ -**
EMS					
Ambulance Replacement	$ 450,000	$ 170,000		$ 180,000	
Cardiac monitors	$ 47,000	$ 70,000	$ 70,000	$ 70,000	
Stretcher Replacement		$ 30,000		$ 32,000	
Chest Compression Systems	$ 21,000				
Total EMS	**$ 518,000**	**$ 270,000**	**$ 70,000**	**$ 282,000**	**$ -**
TOTAL FIRE DEPARTMENT	**$ 688,000**	**$ 1,085,000**	**$ 230,000**	**$ 332,000**	**$ -**
INFORMATION TECHNOLOGY					
Security Camera Project	$ 50,000				
TOTAL INFORMATION TECHNOLOGY	**$ 50,000**	**$ -**	**$ -**	**$ -**	**$ -**
LA911 (Auburn's share)					
Server Infrastructure Replacement	$ 150,000				
Communications Center				$ 1,250,000	
Dispatch Center HVAC			$ 100,000		
TOTAL LA911	**$ 150,000**	**$ -**	**$ 100,000**	**$ 1,250,000**	**$ -**
NSBA					
Gold Series Stadium Charis (750 w/rack)		$ 100,000	$ 100,000		
Rehab Front Desk to Ticket Office	$ 50,000				
Rubber Flooring, Front Lobby w/ new Logo, Locker room area	$ 100,000				
Rubber Flooring, Mezzanine and Rink 1 and 2		$ 100,000			

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Protective netting Rink 1 and 2			$ 35,000		
New LED Scoreboards (2)			$ 100,000		
New Zamboni				$ 200,000	
New board system w/glass for Rink 2					$ 300,000
TOTAL NSBA	**$ 150,000**	**$ 200,000**	**$ 235,000**	**$ 200,000**	**$ 300,000**
POLICE DEPARTMENT					
Cruiser Camera System Replacement				$ 200,000	
Body worn Cameras					$ 280,000
Gym Equipment Replacement		$ 25,000			
Digital Mapping Equipment					$ 50,000
Patrol Rifle Replacement	$ 21,000				
Emergency Operations Center Upgrade		$ 50,000			
TASER Upgrade	$ 169,000				
Mobile Data Terminal Replacement		$ 125,000			
Command Vehicle Replacement			$ 300,000		
TOTAL POLICE DEPARTMENT	**$ 190,000**	**$ 200,000**	**$ 300,000**	**$ 200,000**	**$ 330,000**
PUBLIC WORKS					
Public Works					
Replace 7 yard plow trucks (plowing/sanding and roadway maintenance)	$ 601,600	$ 601,000	$ 902,000	$ 601,000	$ 1,203,200
Replace 12 yard plow trucks (plowing/sanding and roadway maintenance)				$ 700,000	
Replace front end loader (loading materials and snow removal)	$ 250,000		$ 250,000	$ 500,000	
Weather Station		$ 47,150			
Grader			$ 450,000		$ 450,000
Weekingtech Foam Stream		$ 35,300			
Replace One Ton Truck with Plow (2)	$ 150,000	$ 70,000		$ 70,000	$ 70,000
Replace 3/4 Ton Pickup w Plow		$ 160,000	$ 80,000	$ 50,000	$ 90,000
Hot Box Pavement Reclaimer			$ 50,000		
Backhoe		$ 185,000			
Replace sidewalk tractor (sidewalk maintenance and mowing)		$ 170,000	$ 170,000	$ 170,000	
Longley Park Renovation		$ 110,500			
Scorpion Trailer Crash Pad (Safety)		$ 50,000			
Ventrac Machine with Attachments		$ 48,000			
Hay Bale Chopper (Erosion Control)	$ 10,000	$ 10,000			
Trench Box		$ 15,000			
Drone		$ 20,000			
Replace Vactor Truck		$ 525,000			
Pressure Washer for Wash Bay		$ 50,000			
Replace Western Star Pulp Truck				$ 275,000	
Replace Chipper		$ 80,000			

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Replace Loader Mounted Snow Blower					$ 150,000
Field GPS Painter		$ 63,000			
Electrical Division - Vehicle Replacement		$ 50,000			
Electrical Division - Bucket Truck Replacement					
Upper Pettingill Light Replacement			$ 300,000		
Replace Softball Field Wall Pads			$ 11,000	$ 11,000	
Mount Auburn Ave Retaining Wall Replacement		$ 185,250			
Repair Brick Sidewalk-Main St		$ 262,700			
TOTAL PUBLIC WORKS	**$ 1,011,600**	**$ 2,737,900**	**$ 2,213,000**	**$ 2,377,000**	**$ 1,963,200**
RECREATION & SPORTS FACILITIES					
Recreation					
Update Basketball Court Logo	$ 35,000				
Senior Center Building Upgrades and Repairs	$ 10,000		$ 10,000		$ 10,000
Equipment Repairs Ingersoll	$ 10,000		$ 10,000		$ 10,000
Replace Turf at Ingersoll			$ 300,000		
TOTAL RECREATION & SPORTS FACILITIES	**$ 55,000**	**$ -**	**$ 320,000**	**$ -**	**$ 20,000**
TRANSPORTATION					
Traffic Calming and Pedestrian Safety	$ 200,000				
TOTAL TRANSPORTATION	**$ 200,000**	**$ -**	**$ -**	**$ -**	**$ -**
EDUCATION (See attached list)					
TOTAL CIP	**$ 14,813,100**	**$ 40,362,200**	**$ 35,050,300**	**$ 10,273,300**	**$ 10,184,500**

CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only

Description	Bonds	Operating	Other
CITY CLERK Record Restoration	$ 50,000		
TOTAL CITY CLERK	**$ 50,000**	**$ -**	**$ -**
PLANNING & PERMITTING			
Dangerous Building Demolition	$ 400,000		
Comprehensive Plan Program	$ 200,000		
TOTAL PLANNING AND PERMITTING	**$ 600,000**	**$ -**	**$ -**
CAPITAL INVESTMENT AND PURCHASING			
Facilities			
PAL Center (new)	$ 1,500,000		
Public Safety Facility	$ 3,000,000		
Carpet Replacement - Auburn Hall	$ 85,000		
NSBA Exhaust Fan and Control System Upgrade			$ 68,000
Hasty HVAC Replacement and Ventilation Upgrades			$ 550,000
Ingersoll Field Lighting Replacement		$ 35,000	
Total Facilities	**$ 4,585,000**	**$ 35,000**	**$ 618,000**
City wide Vehicles			
Police Vehicle Replacement	$ 225,500		
Public Works-Vehicle Replacement	$ 25,000		
Recreation Mini Bus replacement/upgrade	$ 80,000		
Total City Wide Vehicles	**$ 330,500**	**$ -**	**$ -**
Transportation			
Traffic Calming and Pedestrian Safety	$ 200,000		
Total Transpportation	**$ 200,000**	**$ -**	**$ -**
Engineering			
Reconstruction	$ 1,500,000		
Reclamation	$ 1,500,000		
Major Drainage	$ 500,000		
MDOT Match	$ 1,500,000		
Resurfacing	$ 750,000		
Retaining Walls	$ 250,000		
Pavement Assessment		$ 100,000	
Total Engineering	**$ 6,000,000**	**$ 100,000**	**$ -**
TOTAL CAPITAL INVESTMENTS & PURCHASING	**$ 11,115,500**	**$ 135,000**	**$ 618,000**

CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only

	Description	Bonds	Operating	Other
FIRE & EMS				
Fire	Apparatus Replacement	$ 60,000		$ -
	Extrication Equipment	$ 50,000		
	Rescue Trailer	$ 15,000		
		$ 125,000	**$ -**	**$ -**
EMS	Ambulance Replacement			$ 450,000
	AEDs for Police and Fire			$ 45,000
	Cardiac monitors			$ 47,000
	Chest Compression Systems			$ 21,000
		$ -	**$ -**	**$ 563,000**
TOTAL FIRE AND EMS		**$ 125,000**	**$ -**	**$ 563,000**
INFORMATION TECHNOLOGY				
	Security Camera Project	$ 50,000		
TOTAL IT		**$ 50,000**	**$ -**	**$ -**
LA 911	Server Infrastructure Replacement	$ 150,000		
TOTAL LA911		**$ 150,000**	**$ -**	**$ -**
NSBA (Norway Savings Bank Arena)				
	Rehab front desk to Ticket Office		$ 50,000	
	Rubber Flooring, Front Lobby w/new Logo, Locker room area	$ 100,000		
TOTAL NSBA		**$ 100,000**	**$ 50,000**	**$ -**
POLICE	Patrol Rifle Replacement	$ 21,000		
	TASER Upgrade	$ 169,000		
TOTAL POLICE		**$ 190,000**	**$ -**	**$ -**
PUBLIC WORKS				
2	Replace 12 yard plow trucks (plowing/sanding and roadway maintenance)	$ 601,600		
1	Replace Front End Loader	$ 250,000		
3	Replace One ton truck w/plow (2)	$ 150,000		
4	Hay Bale Chopper (Erosion Control)		$ 10,000	
TOTAL PUBLIC WORKS		**$ 1,001,600**	**$ 10,000**	**$ -**

CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only

Description	Bonds	Operating	Other
RECREATION & SPORTS FACILITIES			
Recreation			
Update Basketball Court Logo	$ 35,000		
Senior Center Building Upgrades and Repairs			$ 10,000
Equipment Repairs Ingersoll		$ 10,000	
TOTAL RECREATION AND SPORTS FACILITIES	**$ 35,000**	**$ 10,000**	**$ 10,000**
EDUCATION (See attached list)	**$ -**		
TOTAL CIP	**$ 13,417,100**	**$ 205,000**	**$ 1,191,000**

CITY WIDE
CAPITAL IMPROVEMENT PLAN

FY 24 BONDS

Description			Page
City Clerk	Record Restoration	$ 50,000	16
Econ Dev & Planning	Dangerous Building Demolition	$ 400,000	17
Econ Dev & Planning	Comprehensive Plan Program	$ 200,000	18
Facilities	PAL Center	$ 1,500,000	
Facilities	Public Safety Facility	$ 3,000,000	19
Facilities	Carpet Replacement - Auburn Hall	$ 85,000	20
City Wide Vehicles	Police Vehicle Replacement	$ 225,500	21
City Wide Vehicles	Public Works-Vehicle Replacement	$ 25,000	22
City Wide Vehicles	Recreation Mini Bus Replacement	$ 80,000	23
Transportation	Traffic Calming and Pedestrian Safety	$ 200,000	24
Engineering	Reclamation	$ 1,500,000	25
Engineering	Reconstruction	$ 1,500,000	26
Engineering	Major Drainage	$ 500,000	27
Engineering	MDOT Match	$ 1,500,000	28
Engineering	Resurfacing	$ 750,000	29
Engineering	Retaining Walls	$ 250,000	30
Fire	Apparatus Replacement	$ 60,000	31
Fire	Excavation Equipment	$ 50,000	32
Fire	Rescue Trailer	$ 15,000	33
IT	Security Camera Project	$ 50,000	34
LA911	Server Infrastructure Replacement	$ 150,000	35
NSBA	Rubber Flooring, Front Lobby and Locker Room Area	$ 100,000	36
Police	Patrol Rifle Replacement	$ 21,000	37
Police	TASER Upgrade	$ 169,000	38
Public Works	Replace 12 yard plow trucks	$ 601,600	39&40
Public Works	Replace Front End Loader	$ 150,000	41
Public Works	Replace One ton truck w/ plow	$ 250,000	42
Recreation	Update Basketball Court w/new logo	$ 35,000	43
Administration	Contingency	$ 82,900	
TOTAL CIP		$ 13,500,000	

CITYWIDE

CAPITAL IMPROVEMENT PLAN

FY 24 Other Funds

Description		Funds		Page
Facilities	NSBA Exhaust Fan and Control System	ARPA	$ 68,000	44
Facilities	Hasty HVAC Replacement & Ventalation	ARPA	$ 550,000	45
EMS	Ambulance Replacement	EMS Capital Reserve	$ 450,000	46
EMS	AEDs for Police and Fire	ARPA	$ 45,000	
EMS	Cardiac Monitors	EMS Capital Reserve	$ 47,000	47
EMS	Chest Compression Systems	EMS Capital Reserve	$ 21,000	48
Senior Center FB	Building Upgrades and Repairs	Senior Center FB	$ 10,000	49
TOTAL CIP			$ 1,191,000	

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Record Restoration**

Project Purpose: Restore and protect all of the City's old records

Department: **City Clerk**

Project Description: Binding and preserving all of the City's old records of Council Minutes, etc.

Location: **City Clerks Vault**

Justification: We are required by Statute to keep these records forever.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life: 20 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 50,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 450,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Dangerous Buildings and Junkyard Cleanups**

Project Purpose: Removal of Dangerous conditions from properties

Department: **Planning & Permitting**

Project Description: We have completed two more junkyard cleanups at tax acquired properties in 2022 2 (1865 Hotel 145 Eastman Lane). We will be pusuing cleanup at 250 Hakett Road Junkyard in 2023/2024 and have a condemned building at 100 Hampshire Street that may require demolition. Others may come to our attention in any given year due to complaints, fire or damage. We attempt to recoup costs from the sale of property and special tax filings but need to address the safety and

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Location:

Justification: Without these funds we will not be able to address dangerous buildings or illegal junkyard cleanups.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 400,000	$ -	$ -	$ -		$ 400,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: Comprehensive Plan Program Implementation

Project Purpose: Implement Elements of the Comprehensive Plan Prioritized by

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Department: **Planning & Permitting**

Project Description: Comprehensive Plan Implementation Program-Council reserved funding for priority comprehensive plan efforts and property acquisition when opportunities present themselves. Past years projects include ballfields design, Mapping services for Comp Plan Update and printing updated plan, Lake Auburn Study.

Location:

Justification: Without these funds we will not be able to implement comprehensive and strategic plan initiatives. If there is not funding available the Council will need to budget for priorities next year and that does not place the City in a Competetive position for a property that may become available during the year. Council will be asked to vote to allocate this funding to specific efforts during the year.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 200,000	$ -	$ -	$ -		$ 200,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Public Safety Facility**

Project Purpose:

Department: **Capital Investment and Purchasing**

Project Description: Half of cost for Engine 2 reconstruction.

Location:

Justification: Existing facility is beyond useful life.

Useful Life:

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 3,000,000	$ 25,000,000	$ 25,000,000		$ -	$ 53,000,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Auburn Hall Carpet Replacement**

Project Purpose: Facility Maintenance

Department: **Capital Investment and Purchasing**

Project Description: Replace existing carpet on 1st and 2nd floors with new carpet tiles.

Location: Auburn City Hall

Justification: Existing carpet is old, stained and worn out.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 85,000	$ -	$ -	$ -	$ -	$ 85,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Priority: Very High

Project Title: **Scheduled Fleet Replacement**

Project Purpose: Vehicle Replacement

Department: **Police**

Project Description: Scheduled replacement of four police vehicles.

Location: **Police Department**

Justification: The department has established a three-year life cycle for the patrol fleet and a five to seven year life cycle for support vehicles. Due to previous budget cuts, the service life of some patrol vehicles has been extended. This has increased vehicle repair costs significantly while drastically reducing trade-in value. The department will trade out a 2012 vehicle, a 2015 vehicle and two 2016 vehicles. The department will purchase four new vehicles. one of which will be an electric vehicle for Support Services / CID.

Useful Life: Five Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ -	$ 225,500	$ -	$ -	$ -	$ 225,500

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Eletric Vehicle**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: Replace Ford Ranger pick up truck with Electric Vehicle and install charging station at Public Works

Location: **Woodbury Brackett Municipal Garage**

Justification: This unit would replace unit 89 a Ford Ranger pick up truck.

Useful Life: 10

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 25,000	$ -	$ -	$ -	$ -	$ 25,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **New Mini Bus**

Project Purpose: Replace "Age-Friendly" Mini Bus with a new one

Department: **Recreation**

Project Description: Current Mini Bus used for senior trips is in-need of many repairs and is currently unsafe to take on long trips. We are looking to replace that Mini Bus with a new one. Looking to add an additonal $2,500 to cover the possible repair costs in 2-3 years.

Location: **Auburn Senior Community Center**

Justification: Senior/age-friendly trips are limited to the space we have on our mini busses. With our before & aftercare program that limits the use of that "Rec" mini bus to 9-2PM Mon-Fri. Having another reliable bus will ensure that all programs get the proper and safe transportation.

Useful Life: 5-10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 80,000	$ -	$ 2,500	$ -		$ 82,500

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Traffic Claming and Pedestrian Safety**

Project Purpose: To create targeted funds for neighborhood initiated traffic calm

Department: **Transportation**

Project Description: Modeling after the FY23 City Council amended request, these funds would be available to support the implementation of traffic calming and pedestrian safety efforts that align with neighborhood initiated requests.

Location: **Various locations throughout the City**

Justification: Traffic calming and pedestrian safety are regular requests from Coucilors and citizens city-wide. A dedicated fund of capial resources, aligned with policies to manage requests for safety evaluations, will improve livability in the city and support the Reclaiming our Streets recommendation in the strategic plan.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 200,000	$ -	$ -	$ -	$ -	$ 200,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Road Reclamation**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description: Hersey Hill Road from North Auburn Roat to Minot Town Line.
Harmon's Corner Road from South Witham Road to Pownal Road.

Location: Various

Justification: These road segments have low Pavement Condition Ratings and are in need of repair. These roads are good candidates for reclamation, where existing road base is utilized and the road grade is raised.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 1,500,000	$ -	$ -	$ -	$ -	$ 1,500,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Road Reconstruction**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description:
Fourth Street from South Main Street to End.
Dunn Street from South Main Street to Second Street.
Loring Street from South Main Street to Seventh Street.
Marian Drive from Sherwood Drive to Broad Street.

Location: Various

Justification: These road segments have low Pavement Condition Ratings and are in need of repair. These sections will require restoration of the road base, closed drainage system, curbing and sidewalks.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 2,100,000	$ -	$ -	$ -	$ -	$ 2,100,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Major Drainage**

Project Purpose: State Mandate

Department: **Capital Investment and Purchasing**

Project Description: This item covers the MS4 Storm water permit regulations and drainage asset management. In addition it would allow us to make repairs to existing systems that were identified as part of our storm water infrastructure assessment as failing.

Location: Various

Justification: The City is required by MDEP to follow storm water regulations and annual reporting. The City is also mapping its storm water infrastructure inventory for future planning.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 500,000	$ -	$ -	$ -	$ -	$ 500,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **MDOT Match**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description: This would provide the match for the MPI program ($825,000) which would reconstruct a State Aid Road. The additional $$$$ is to provide match money for STIP projects.

Location: Various

Justification: The money will provide the matching funds for the MDOT's Municipal Partnership Initiative (50/50) and the matching funds for STIP Projects (80/20). Without these funds the State will not contribute the 50% or the 80% matches.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 1,500,000	$ -	$ -	$ -	$ -	$ 1,500,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Pavement Resurfacing**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description:
Holbrook Road from North Auburn Road to Town Line.
South Witham Road from Penley Corner Road to Sopers Mill Road.
Maple Hill Road from Dillingham Hill Road to Lakeshore Drive.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Location: Various

Justification:
This would add about 10 years of life to the roadway, allowing for another resurfacing in the future instead of needing to reconstruct the road at a much more significant cost.

Useful Life: 10 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 800,000	$ -	$ -	$ -	$ -	$ 800,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Retaining Walls**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description: Repairing a failing dry stacked retaining wall on a corner within the Hillcrest Street corridor. This is a safety project to include a new retaining wall with guardrail.

Location: Hillcrest Street

Justification: The currect retaining wall is failing and poses a safety concern to motorists and abutting properties.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life: 40 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 250,000	$ -	$ -	$ -	$ -	$ 250,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Replace unit 320**

Project Purpose: Replace worn out equipment

Department: **Fire**

Project Description: To replace a 2014 Ford Explorer which is used as the Chief's vehicle. The project cost include vehicle costs as well as emergnecy lights, and the cost of a small command console so there will be a back up to our command unit if it is out of service.

Location: **Fire**

Justification: The current vehicle has 125,000 miles on it, needs body reparis and is nearing the end of its reliable life. This project cost also funds a small command console with radios which will be installed and provide redundancy for our primary command SUV when the primary unit is out of service.

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 60,000	$ -	$ -	$ -	$ -	$ 60,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Extrication tool replacement/upgrade**

Project Purpose: Replace tools

Department: **Fire**

Project Description: Replace one full set of hydraulic extrication tools.

Copy picture

Picture, resiz

Location: **Fire/Center St. Station**

Justification: The departments current extication tools are over 20 years old and lack the power to cut the high strength componenets used it todays modern cars. The department has extication tools on all three front line fire apparatus. This is phase two of a three step plan to upgrade all department extrication tools to work effectively on modern vehicles.

Useful Life: 15 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 50,000	$ -	$ 50,000	$ -	$ -	$ 100,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Moderate

Project Title: **Replace Rescue 1**

Project Purpose: Replace Rescue 1 with a trailer

Department: **Fire**

Project Description: This project will replace Rescue 1, Which is a 2001 PL Custom converted amblance, with 125,000 miles on it. It will be replaced with a 16 foot enclosed trailer. The project costs include the cost of the trailer and all necessary shelving and mounting of the techinical rescue equipment currently stored and deployed in Rescue 1.

nsert, illustrations,

Location: **Fire**

Justification: Rescue 1 is long overdue for replacement. Moving to a trailer will eliminate an old appartus from our fleet reducing maintenane costs. The trailer can be stored outside freeing up much needed bay space in the fire station.

Useful Life: 20 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 15,000	$ -	$ -	$ -	$ -	$ 15,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Security Camera Project**

Project Purpose: Replace outdated equipment

Department: **IT**

Project Description: Auburn Hall parking garage is on schedule to have 12 cameras replaced due to age and advancements in camera technology, along with adding 3 cameras in the Petengill Park fields.

Location: **Auburn Hall & Pettengill Park**

Justification: The IT department has reviewed the age of cameras, and found many needed to be replace to keep up with security needs within the Parking Garage at Auburn Hall. It was also brought to our attention that we needed more camera footage on a regular bases at Pettengil Park Fields, so we would like to add cameras there.

Useful Life:

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 50,000	$ -	$ -	$ -	$ -	$ 50,000

FY24 Capital Improvement Program
Project Description Form

Project Title: **LA911 Server Infrastructure Replacement**

Operational Funding Division: LA911 **Project Name:** Server Replacement

Est. Total Cost FY24:	0	**Est. Total Cost FY25-FY28:**	300,000
City Share FY24:	0	**City Share FY25-FY28:**	150,000

Project Description:
Planned LA911 Server Infrastructure Replacement. Hardware will be due to be replaced because of end of life (EOL) situations or replaced due to age of equipment, and manufacture support limitations in FY23. The Storage Area Networks (SAN), network switches, and servers that house the datacenter of LA911 will be due to be replaced in FY23. This project includes both the replacement of production site hardware and Disaster Recovery (DR) site hardware with reuse of current equipment as available. We have pushed the project to FY25 to align with planned relocation of the 9-1-1 Center.

Consistency with the Comprehensive or Strategic Plans or other related planning documents:
Organizations should proactively develop strategies that leverage resources, anticipate future requirements, and focus on business goals and performance objectives. As technology and other computing platforms become central to supporting the mission of the organization, effective planning for the management of these platforms has become vital.

Justification for project implementation/construction and segments, if applicable:
By not staying current with supported hardware and emerging technologies, systems become outdated, obsolete, and lose residual value. There is a high factor of risk involved in falling behind in a datacenter hardware lifecycle management. Potential issues are extended system downtime, data loss, and data corruption.

Future maintenance costs if known, including contracts and special service requirements:
All hardware purchased will have a 3 - 5 year life span. Recurring capital expenditure will be required each 3- 5 year cycle.

How were cost estimates obtained and expenditure commitment:
Worked with vendor to assess current usage and needs with planned growth and data trends.

FUNDING SOURCES

Source	Amount					
City Operating Budget						
City Bond Issue	150,000					
Federal/State Funding		**Agency:**		**Approval Received?**	Yes	No
Other Agency/Municipality	150,000	**Agency:**		**Approval Received?**	Yes	No
Total Project Costs	**300,000**					

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2024	2025	2026	2027	2028	Future
Total Project Cost		300,000				
Non-City Share		150,000				
City Share	0	150,000	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Floor Rubber**

Project Purpose:

Department: **Norway Savings Bank Arena**

Project Description:

FY 24: To remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in the Locker Rooms, Coaches Room, Locker Hallway,Referee's room, and main lobby to include installation of new "Norway Savings Bank Arena"

Location:

FY 25: Supply and install new 3/8" rubber flooring color black with light grey 10% speckle throughout the a Mezzanine with new black cove base as needed. Remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in Rink 1 per walk-through. Remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in Rink 2 per walk-through

Justification:

Replacement of wear and tear after ten (10) years

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 98,875	$ 113,345	$ -	$ -	$ -	$ 212,220

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Priority: Very HIgh

Project Title: **Patrol Rifle Replacement**

Project Purpose: Replace worn-out equipement

Department: **Police**

Project Description: Replacement of Patrol Rifles

Location: **Police Department**

Justification: Current Patrol rifles are over 15 years old and have reached the end of their service life. New rifles will also include a noise suppressor to reduce hearing loss exposure to officers. 22 rifles will be purchased. The original project was partially funded in FY23 at $17,500 with the understanding the second half would be funded in FY24.

Useful Life: 15 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 21,000	$ -	$ -	$ -	$ -	$ 21,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **TASER Replacment Project**

Project Purpose: Replace worn-out equipement

Department: **Police**

Project Description: Replace 55 TASER X26P units with TASER 7 units

Location: **Police Department**

Justification: The TASER X26P has reached the end of its service life and will no longer be serviced by AXON. The TASER 7 is the model that Axon has transitioned to. TASER 7 is available as a $55.32 per month, per unit subscription that includes the TASER weapon, docks, batteries and cartridges, integration with Axon Evidence, full user training and certification for five years.

Useful Life:
5 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 186,000	$ -	$ -	$ -	$ -	$ 186,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Replace Single Axle Dump Truck**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: This unit is used for plowing and sanding/salting in winter months and ise used to move material to and from APW job sites in the summer months.

Location: **Woodbury Brackett Municipal Garage**

Justification: This would replace unit 7- single axle dump truck with plow and wing.

Useful Life: 10 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 300,800	$ -	$ -	$ -	$ -	$ 300,800

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Replace Single Axle Dump Truck**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: This unit is used for plowing and sanding/salting in winter months and ise used to move material to and from APW job sites in the summer months.

Location: **Woodbury Brackett Municipal Garage**

Justification: This would replace unit 16-single axle dump truck with plow and wing.

Useful Life: 10yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 300,800	$ -	$ -	$ -	$ -	$ 300,800

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Replace Bucket Loader**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: Replace 1999 John Deere Wheeled Bucket Loader

Location: **Woodbury Brackett Municipal Garage**

Justification: The loader is used in winter operations for snow removal, loading trucks with sand and salt, and plowing as it's available. The 1999 loader is useful life and is in need of replacement.

Useful Life: 15 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ -	$ -	$ -	$ -	$ -	$ -

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **One Ton Truck**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: Replace one ton truck with plow and sander

Location: **Woodbury Brackett Municipal Garage**

Justification: This unit would replace unit 33 a 2009 one ton.

Useful Life: 10

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 75,000	$ -	$ -	$ -	$ -	$ 75,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Low

Project Title: **Basketball Court Logo Update**

Project Purpose: Refinish basketball court and add rebrand Auburn logo

Department: **Recreation**

Project Description: Replace old logo with rebranded logo- would include shaving down entire court and cleaning off old lines.

Location: **Hasty Community Center**

Justification: Current logo is 10 years old and does not resemble our current logo or rebrand. Cost would include the annual cleaning that the floor gets so that would be taken off FY 24 budget. This quote also includes the cost of relining the court for pickleball, volleyball and basketball.

Useful Life: 15 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 35,000	$ -	$ -	$ -		$ 35,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **NSBA Exhauste Fan and Control System Upgrade**

Project Purpose: Facility Maintenance

Department: **Capital Investment and Purchasing**

Project Description: Replace locker room exhauste fan and perform control system upgrades

Location: Norway Savings Bank Arena

Justification: System was never properly commisioned when building was opened.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 68,000	$ -	$ -	$ -	$ -	$ 68,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Hasty HVAC Replacement and Ventilation Upgrades**

Project Purpose: Facility Maintenance

Department: **Capital Investment and Purchasing**

Project Description: Install new HVAC system in Hasty.

Location: Hasty

Justification: No air condiotioning exists and existing heating system is failing. Air quality is also poor.

Copy picture here if available. Click on Insert, illustrations, Picture, resize to fit this box

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 550,000	$ -	$ -	$ -	$ -	$ 550,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Ambulance Purchase**

Project Purpose: New equipment to meet service needs

Department: **EMS**

Project Description: Purchase one ambulance

Location: **Fire**

Justification: As call volumes continue to increase, Auburn EMS has reached the point where we must begin to staff a third ambulance to meet the service demands of the City. To prepare for having three staffed units, we must increase our fleet of ambulances. The current lead time from the ambulance vendor for a new ambulnace is 18-24 months. It is important that we make this purchase now to have the ambulance before the service demands exceed our ability to respond.

C
P

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 450,000	$ -	$ -	$ -	$ -	$ 450,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: HIgh

Project Title: **Cardiac Monitor**

Project Purpose: Add one additional system to department capabilities

Department: **EMS**

Project Description: Purchase one Cardiac Monitor.

Co
Pi

Location: **Fire**

Justification: Cardiac monitors allow EMS providers to monitor and document patient heart function as well as to defibrilate (shock) a patients heart during sever cardiac events. This is required equipment on all licensed ambulances. This purchase is in preparation for adding a third response ambulance to meet increasing call volumes and increased patient demands for service.

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 47,000	$ -	$ -	$ -	$ -	$ 47,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Chest Compression System**

Project Purpose: Add one additional system to department capabilities

Department: **EMS**

Project Description: Purchase one chest compression system.

Location: **FIre**

Justification: Chest compression systems produce much more effective, and consistant compressions during CPR then manual compressions. This can result in better patient outcomes. This purchase is in preparation for adding a third response ambulance to meet increasing call volumes and increased patient demands for service.

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 21,000	$ -	$ -	$ -	$ -	$ 21,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Low

Project Title: **Senior Center Upgrades & Repairs**

Project Purpose: Replacement of equipment or additional equipment needed

Department: **Recreation**

Project Description: New projector to replace current one, repair the divider wall, funds to help cover any repair costs to AV system. New signage to match rebranding.

Location: **Auburn Senior Community Center**

Justification: Building is used almost everyday- making sure funds are available to make quick repairs is crucial to ensure the building stays up and running for not only our own senior programming but also the Senior groups and rentals that we service daily.

Useful Life: 2 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 10,000	$ -	$ 10,000	$ -	$ 10,000	$ 30,000

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023

Author: Eric J. Cousens, Planning and Permitting Director

Subject: Update on the licensing process for the Lewiston Falls/Monty Hydro Facility

---

Information: This is an informational update on the licensing process for the Lewiston Falls/Monty Hydro Facility on the main stem of the Androscoggin in anticipation of the expiration of the existing license in 2026. Our Comprehensive Plan, Strategic Plan, New Auburn Master Plan, the Androscoggin Greenway Plan and ATRC Bridging the Gaps Bicycle and Pedestrian Plans give staff substantive direction and support to advocate for needs, improvements and studies to identify the best way to meet identified needs to mitigate impacts of the facility on the community. The latest submittal is the Study report summarizing the studies completed to date during 2022: https://elibrary.ferc.gov/eLibrary/docinfo?accession_num=20230302-5205 . The city and other stakeholders requested recreational, aesthetic, cultural, hydro-facility operational and river flow related studies to ensure that we have the information needed to advocate for mitigation of facility impacts and needs of the community at future stages of the process. The City drafted study requests with stakeholders, including the City of Lewiston and at least 6 other stakeholder groups, to best advocate for Auburn's needs in this process. Most of the requests were included in the Study Plan. Past licensing processes have been more successful when there is coordination and agreement on study needs, rather than conflicting requests from multiple stakeholders. More studies will be completed in 2023 to inform the licensing process. Staff will file a response to reiterate that additional studies as outlined in the Study Plan remain to be completed in 2023, most notably stakeholder involvement in recreational and aesthetic flow studies.

The Pre-Application Document (PAD) was filed in 2021 and is available here: https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210804-5115 .

Staff will participate in virtual meetings to review the findings of the 2022 studies on **Wednesday April 5th.** The meetings will be held online (via Microsoft Teams) with a phone-in option. Brookfield (BWPH) will provide login/phone-in information and a more detailed agenda for each meeting to interested parties who plan on attending one or both meetings in advance of the meeting date. In order to plan accordingly, BWPH respectfully requests that agencies or stakeholders who plan on attending one or both meetings RSVP by contacting Jessica Antonez at **Jessica.Antonez@kleinschmidtgroup.com** on or before March 29, 2023.

10 AM - 12 PM Water Quality, Bass Spawning, Fish Assemblage, and Upstream Eel

2 PM - 3:30 PM Recreation and Aesthetics

City Budgetary Impacts: None.

Staff Recommended Action: Update and discussion

Previous Meetings and History: 6.6.2022 Communications(attached), 12.20.2021 Communications

---

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: 6.6.2022 Communications, Study Meeting Notice

City of Auburn, Maine
Planning and Permitting Department
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council

From: Eric J. Cousens, Planning and Permitting Director

Re: Hydropower, Rivers and Dams Update June 6, 2022, Council Meeting

Date: June 6, 2022, Council Meeting

Lewiston Auburn Riverfest

The Riverfest, sponsored by the Lewiston Auburn Metropolitan Chamber of Commerce, is scheduled for Friday June 17th and Saturday June 18th and has something to offer for everyone. Last year's event was well attended and a great success. This year offers a kickball tournament, Trek Across Maine welcome, Rowing Regatta, canoe rentals, Beer Garden and Food Trucks.

For a full schedule see the website: **https://discoverlamaine.com/the-riverfest/**

Lewiston Falls Monty Hydro Licensing Update

The Federal Energy Regulatory Commission licenses hydropower facilities. The city may participate and comment on a proposed license as a stakeholder, much like a resident participates in a Planning Board process at a public hearing. We only get a chance to comment on a license renewal every 30 to 50 years so it is important that we advocate for compatibility and even contribution to accomplishing community goals in exchange for using the public's river for private power generating revenues. The FERC process requires the applicant to address fisheries, recreation, water quality and other potential impacts of their operation with equal consideration compared to power generation. Documents related to current and past licensing processes are available here: https://www.auburnmaine.gov/pages/government/rivers-hydropower .

We updated the Council in December of 2021 to start to familiarize you with the current relicensing of the Lewiston Falls Monty Hydro Project (FERC P-2302) in preparation for future discussions. The relicensing process has begun for the Lewiston Falls/Monty Hydro Facility on the main stem of the Androscoggin in anticipation of the expiration of the existing license in 2026. Our Comprehensive Plan, Strategic Plan, New Auburn Master Plan, the Androscoggin Greenway Plan and ATRC Bridging the Gaps Bicycle and Pedestrian Plans give staff substantive direction and support to advocate for needs, improvements and studies to identify the best way to meet identified needs to mitigate impacts of project operations on the community. The Pre-Application Document (PAD) has been filed and is available here: https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210804-5115 . Despite advocacy for a more inclusive *Integrated Licensing Process*, (TLP Objection and ILP Request.pdf) the request for Traditional Licensing Process was approved by FERC for this relicensing and an initial stakeholder meeting was held ahead of schedule (Table 2-1, Page 41 of the linked PAD) in November. The city along with other stakeholders asked for recreational, aesthetic, cultural, hydro-facility operational and river flow related studies to ensure that we have the information needed to advocate for mitigation of facility impacts and needs of the community at future stages

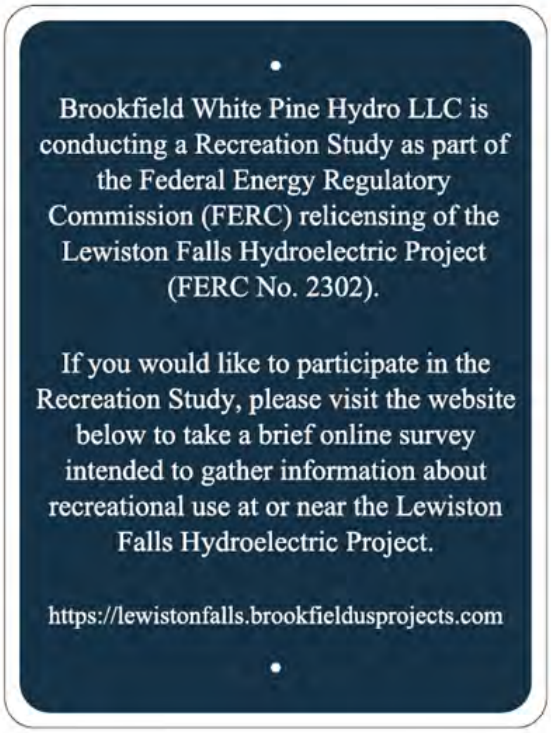
of the process. We submitted study requests with stakeholders, including the City of Lewiston and at least 6 other stakeholder groups, to best advocate for Auburn's needs in December of 2021 (Study Requests12.31.21). Past licensing processes have been more successful when there is coordination and agreement on study needs, rather than conflicting requests from multiple stakeholders. There will be public meetings and feedback needed from City Council, Committees and potentially legal counsel in the coming few years as we work with Brookfield and FERC on this important 40-year relicensing.

At this stage we have submitted comments on a Preapplication Document, preferred licensing process and a Draft Study Plan (StudyPlanComments31822.pdf) . A Final study Plan was proposed by Brookfield and they have begun the 2022 study season P2302FinalStudyPlan.pdf . Many agencies focused on different aspects of project operations and their impacts on the environment participate in the process. While the City has been supportive of studies requested by Maine DEP, NOAA Fisheries (NOAA Comments.pdf and Maine IFW related to water quality and fisheries improvement our focus has been on recreation, aesthetics of the falls and access for the public. Water quality, historic resources and fisheries are important to the City's overall recreational goals, but State and Federal Agencies are well equipped to for strong participation on those elements and we have collaborated with them.

The Final Study Plan (P2302FinalStudyPlan.pdf) covers almost all recreational elements requested for the main stem of the river-See pages 58-67 of the plan. The primary shortcomings relate to water quality monitoring in the Lewiston owned Canals and specific analysis of how water over the falls affects water quality and dissolved oxygen below the falls. The second part of that will have data available from the proposed water quality monitoring and we will continue to advocate for the analysis of how flows over the falls affect dissolved oxygen as part of the process, but it is currently not proposed. A primary shortcoming of the study plans is not including the canals in the study based on the argument that they are owned by Lewiston and not part of the project area mapped by FERC. In 2020 the project area was adjusted to remove nearly 4 miles of river and the canals from the FERC Project Boundary which the City opposed (Objection to P2302 Project Boundary Amendment 2020.pdf) but was ultimately approved by FERC. The ownership and FERC project Boundary test for inclusion in studies is not usually what determines if they are included. The test is whether the project operations impact the area, which they clearly do. Brookfield controls flows at this facility and at the upstream Gulf Island and Deer Rips hydro facilities and those three operations control water levels and flows in the canals that we believe are clearly affected by project operations. This raises a question of whether Auburn wants to advocate among stakeholders to exercise the FERC Study Dispute Process or take that on ourselves - either way we would need legal assistance and funding to do that. We are looking for preliminary feedback from Council on whether you wish to explore this further in an executive session. Staff's opinion is that we got most of what we asked for and would be happy to join Lewiston if they chose to challenge this important element, but that fight may not be our best use of limited resources.

The 2022 Study season is upon us, and Memorial Day Weekend will be the start of recreational monitoring and a survey for recreational users along the river in Auburn and Lewiston. We will be encouraging people who visit the area to take the time to fill out the survey. The results will be used to gauge recreational interest, benefits and

needs for the project area and nearby amenities affected by project operations. Signage has been placed along the Riverwalk and other project recreation facilities to alert the public of the existence of the survey and in person counts will be conducted by Brookfield staff throughout the summer. The website hosting the survey is here: https://lewistonfalls.brookfieldusprojects.com/ Results are intended to be collected based on specific locations visited and not from people that were there in the past so please encourage anyone visiting the riverfront area to check out the signs at Bonney Park, West Pitch Park, the North River Road Boat Launch, Durham Boat Launch or riverside parks and trails in Lewiston and provide feedback for each location that they enjoy or desire improvements. We will promote awareness of the effort on social media and any other opportunities.



Little Androscoggin River Dams - Recreation and Restoration Opportunities

Barker Mill Dams Update: The City participated, with other stakeholders, in the relicensing process at Lower and Upper Barker Mill Dams which are relatively small generators with limited profits. We achieved recreational benefits including increased minimum flows and controlled releases for whitewater paddling. The licensee looks very close to a settlement agreement to resolve a dispute over fish passage where the applicant used upstream obstructions as one reason not to restore fish access in the watershed. It looks like fish passage will be required during the terms of the new licenses and in exchange KEI will likely get a longer than normal license term of up to 45 years. Not many people that were here for this licensing process will be active participants in the next one. The proposed Settlement agreement would require KEI to install upstream passage for American eel for the 2026 migration season (June 1, 2026) and required to install upstream passage for anadromous fish species by the 2031 migration season (May 1, 2031), subject to a consideration of "New Information" as defined in the Settlement.

Littlefield Dam Update: The Littlefield Dam is the next obstruction upstream that impacts recreation, the environment and fish movement in the river. Past efforts to apply for grants to remove the unused partially breached dam have not been funded and required significant local match. There is a potential new opportunity in the coming years that has been explored by the Conservation Commission and Federal Grant Funding Sources that could go beyond restoration and include development of improved recreational access that furthers goals of the Comprehensive and Strategic Plans of the City. The anticipated funding sources may also be match free with the Little Androscoggin being identified as critical Atlantic Salmon Habitat. Sam Boss, Conservation Commission Chair explains this exciting opportunity below. Staff is hopeful that the City might be able to fund a planning and design exercise to position us for successful application when the funding becomes available. One option is to appropriate Comprehensive Plan Implementation funds if the Council is interested in this.

City Council, Mayor, and City Staff,

The Conservation Working Group has a longstanding interest in the removal of the defunct Littlefield Dam, which is a major barrier to fish passage on the Little Androscoggin River. Earlier this year we learned of an upcoming opportunity to apply for federal funds to support dam removals and other fish passage restoration efforts. The 2021 Infrastructure and Jobs Act allocated $400 million to the National Oceanic and Atmospheric Association (NOAA) to restore fish passage through the removal of dams and other barriers (further

information here). NOAA will award $80 million in grants for each of the next five years to support communities in undertaking river restoration efforts. Although a request for proposals has not yet been released, our contacts at NOAA have confirmed that the grants *will not* require a matching contribution from municipalities to support the costs of projects. Partner organizations such as Maine Rivers, the Androscoggin Watershed Council, and Trout Unlimited have described this funding and the lack of a matching requirement as a once-in-a-lifetime opportunity to make significant progress with river restoration efforts.

Because of the expected terms of the NOAA grants, we anticipate that the process will be highly competitive, and we have been working to lay the groundwork for a strong proposal when funds are released. Although some funding will be available to support the planning stages of dam removal and subsequent restoration efforts, we expect that shovel ready projects will have the best chance of receiving full funding. To this end, it would aid the development of a proposal significantly if the Council can provide funding to support further site assessments and planning. We have led multiple site visits, and have been in consistent conversation with local stakeholders including property owners on Littlefield Road and Panolam Surface Systems. Our goal is to identify scenarios for removing the dam that maximize ecological and recreational benefits to the broader community while minimizing any negative impacts for abutting property owners.

Outlined below are several key reasons to support the removal of the Littlefield Dam and further restoration efforts in the Little Androscoggin watershed.

1. **Improved fish passage and other ecological benefits**

   The Littlefield Dam is a full or partial barrier to fish passage, depending on the time of year and water levels. Removing the Littlefield Dam would help to pave the way for further efforts to restore fish species including alewives, shad, and American Eels to the Androscoggin watershed. These species need to travel freely from the ocean into freshwater rivers to spawn. Alewives in particular are a keystone species that provide a particularly important food source for the endangered Atlantic Salmon, as well as several other fish species (further information here). Removal of the Littlefield Dam will demonstrate our commitment to improving fish passage and strengthen our position in future negotiations for fish passage on the Lower and Upper Barker Dams. In addition to improving fish passage, dam removal improves dissolved oxygen content and sediment transfer, leading to healthier riverine ecosystems.

2. **Avoid potential safety issues**

   The Littlefield Dam has not been operational for at least fifty years, and there is no indication it has received regular maintenance in that time; FERC records indicate the most recent effort to restore the dam to production was in the 1980s, but that effort ultimately failed. During site visits when the water levels have been lower, we have observed significant corrosion of the bottom of the dam; high precipitation events or ice jams could eventually cause the dam to break in an uncontrolled way that would send concrete debris and sediment downriver and pose potential hazards to property owners and industries downriver. The dam can also present risks to swimmers, hikers, etc. who may go too close to the dam and not realize the dangers of its undertow. Taking full advantage of NOAA funds now to remove the dam in a controlled way will avoid the potential safety issues these scenarios could cause in the future.

3. **Improved recreational opportunities**

The Little Androscoggin is an underutilized resource for recreation that runs through the heart of Auburn. Removal of the Littlefield Dam could open up approximately four miles of the river for passage of kayaks and canoes and other small craft, with the potential that more of the river upstream would be navigable, depending on the water levels and time of year. NOAA staff have indicated that applicants should "think big", and submit a proposal that would support not only the removal of the dam, but the creation of possible recreational improvements such as a boat launch at the site, and restoration/modification of the riverbed to facilitate passage of boats and fish.

More information about the points outlined above is available on request (auburn.me.conservation@gmail.com).

Respectfully submitted,

Sam Boss, Chair

Conservation Working Group

Lewiston Falls Hydroelectric Project (FERC No. 2302) Relicensing Study Report Meeting

Jessica Antonez <Jessica.Antonez@Kleinschmidtgroup.com>

Fri 3/10/2023 1:35 PM

To: Anderson, Luke <Luke.Anderson@brookfieldrenewable.com>

Some people who received this message don't often get email from jessica.antonez@kleinschmidtgroup.com. Learn why this is important

Dear Stakeholders:

On March 2, 2023, Brookfield White Pine Hydro (BWPH) distributed to Stakeholders via email and electronic link (FERC's eLibrary at https://elibrary.ferc.gov/eLibrary/docinfo?accession_num=20230302-5205), six of the study reports for resource studies conducted in 2022 for the Lewiston Falls Project relicensing effort.

On behalf of BWPH, we are providing the following schedule for interested stakeholders to participate in a virtual meeting to review the findings of the 2022 studies. Given the number of studies and the varying topics, we are dividing the meeting into two sessions on Wednesday April 5th.

- 10 AM - 12 PM Water Quality, Bass Spawning, Fish Assemblage, and Upstream Eel
- 2 PM - 3:30 PM Recreation and Aesthetics

The meetings will be held online (via Microsoft Teams) with a phone-in option. We will provide login/phone-in information and a more detailed agenda for each meeting to interested parties who plan on attending one or both meetings in advance of the meeting date. In order to plan accordingly, BWPH respectfully requests that agencies or stakeholders who plan on attending one or both meetings RSVP by contacting Jessica Antonez at Jessica.Antonez@kleinschmidtgroup.com on or before March 29, 2023.

Finally, BWPH is extending the comment due date (from April 3rd, as noted in the study report cover letter) to April 14, 2023, to allow for additional time to have a meeting to review the study findings before comments are due.

Please contact Luke Anderson, Licensing Manager, with any questions at Luke.Anderson@brookfieldrenewable.com.

If you would like to be removed from this distribution list or have updated contact information, please contact Jessica Antonez and Jessica.Antonez@kleinschmidtgroup.com.

Thank you,

Jessica Antonez
Associate Licensing Coordinator
Kleinschmidt
Office: 207-416-1214
www.kleinschmidtgroup.com

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023 **Order:** 36-04032023

Author: Sue Clements-Dallaire, City Clerk

Subject: Scheduling the School Budget Validation Referendum Election to be held on June 13, 2023

Information:
Title M.R.S.A. 20-A, Section 2307 requires Municipalities to conduct a School Budget Validation Referendum Election each year.

The date is consistent with previous years, and there is a cost savings when holding this election at the same time as a State election which is normally the second Tuesday in June. It also results in better voter turnout.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of this order.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 36-04032022

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the date to hold the School Budget Validation Referendum Election for Tuesday, June 13, 2023.

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

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

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

City of Auburn
City Council Information Sheet

Council Meeting Date: April 3, 2023 **Order:** 45-04032023*

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Tyler Poland #1

Information:

In 2016, Auburn Police Department DEA Task Force officers received confidential intelligence information from multiple sources and began a three-month investigation. Other agencies including federal, state and local law enforcement participated in extensive surveillance. In February 2018, DEA Task Force members as well as 11 Auburn Police Department officers supported DEA during a large enforcement operation involving the execution of nineteen (19) simultaneous federal search warrants involving the seizure of large amounts of drug and non-drug evidence. Subsequent to this operation, Auburn PD's Task Force Officer drafted a report detailing the execution of a search warrant on Merrow Road in Auburn, Maine, and the acquisition of non-drug exhibits. $32,000.00 in a financial account was seized.

City Budgetary Impacts: The Department of the Treasury seeks to transfer $1,600.00 (5% of the $32,000. Seizure) in U.S. Currency to the Auburn Police Department. Funds will be used for the purchase of equipment.

Staff Recommended Action: Vote to accept the transfer of $1,600.00.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
*None

ORDER 45-04032023

City Council Order

IN CITY COUNCIL

ORDERED, Accept the transfer of $1,600.00 forfeiture assets in U.S. Currency to the Auburn Police Department (Department of the Treasury – 04180003-01).

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

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

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

City of Auburn
City Council Information Sheet

Council Meeting Date: April 3, 2023 **Order:** 46-04032023*

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Tyler Poland #2

Information:

In 2016, Auburn Police Department DEA Task Force officers received confidential intelligence information from multiple sources and began a three-month investigation. Other agencies including federal, state and local law enforcement participated in extensive surveillance. In February 2018, DEA Task Force members as well as 11 Auburn Police Department officers supported DEA during a large enforcement operation involving the execution of nineteen (19) simultaneous federal search warrants involving the seizure of large amounts of drug and non-drug evidence. Subsequent to this operation, Auburn PD's Task Force Officer drafted a report detailing the execution of a search warrant on Merrow Road in Auburn, Maine, and the acquisition of non-drug exhibits. $40,000 in a financial account was seized.

City Budgetary Impacts: The Department of the Treasury seeks to transfer $2,000.00 (5% of the $40,000. Seizure) in U.S. Currency to the Auburn Police Department. Funds will be used for the purchase of equipment.

Staff Recommended Action: Vote to accept the transfer of $2,000.00.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
*None

ORDER 46-04032023

City Council Order

IN CITY COUNCIL

ORDERED, Accept the transfer of $2,000.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Department of the Treasury – 04180003-02).

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

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

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

IN COUNCIL REGULAR MEETING MARCH 20, 2023, VOL. 37 PAGE 20

Mayor Levesque called the meeting to order at 7:01 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items

1. Order 30-03202023*
Confirming Chief Moen's appointments of Andrew Shute and Andrew St. Pierre as Constable with firearm/arrest powers for the Auburn Police Department.

2. Order 31-03202023*
Authorizing the City Clerk to waive the $200 business license fee for Auburn Suburban Baseball and Softball.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the two consent items.

Passage 7-0.

II. Minutes – March 6, 2023, Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the March 6, 2023 Regular City Council meeting.

Passage 6-0-1 (Councilor Staples abstained as he was not present for the meeting).

III. Communications, Presentations and Recognitions

Council Communications

David Chittim, President of the Androscoggin Historical Society announced that AHS turn one hundred years old this year. He also announced that they have purchased a building in Lewiston (93 Lisbon Street) after 86 years being located in the Androscoggin Court House building. He stated that they are hoping to raise a total of $750,000 over the next few years. He said they are requesting a grant from the City of Auburn in the amount of $60,000 adding that Lewiston granted them $75,000 last year. He noted that they will also be reaching out to other towns. The Mayor followed by stating that he submitted an endorsement for funding for this project with Senator Collins. A copy which will be included in the minutes.

Councilor Morin stated that he recalls visiting the Androscoggin Historical Society when he was in school, adding that he has a personal passion for history and he thanked Mr. Chittim for coming in and speaking.

Manager Crowell reported that on May 3rd the City of Auburn will collaborate with the Police Activities League (PAL) to bring LEADERCAST to the community. This is an important fundraiser for PAL. More information can be found on www.auburnpal.com or they can contact Liz Allen. He also shared the annual report with the Council and members of the public.

Mayor Levesque announced that the Lobster Festival is moving forward in May at Festival Plaza. He added that this event is also to raise money for the Maine Lobstermen Association. One fundraiser is a buoy painting contest where members of the public can buy a buoy for $20, decorate it, bring it to the festival and the winner of the event will receive 50% of the proceeds and the other half will be donated to the Maine Lobstermen Association. He also talked about the corner store initiative and talked about proposing a program on sustainable food options. He said he will ask for input from the Sustainability and Natural Resource Board (SNRB).

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

V. **Unfinished Business** - None

VI. **New Business**

Order 33-03202023
Approving $4,598,331 of additional costs for environmental remediation of the new high school project and authorizing general obligation bonds and a tax levy therefor. First reading.

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

Public comment – No one from the public spoke.

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

1. **Public hearing** – Stable Ridge TIF (Tax Increment Financing) District #27.

Mayor Levesque opened the public hearing at 7:36 pm.

John Cleveland, 183 Davis Avenue first commented on the TIF piece of this, noting that there are reasons to do that, and the percentage of the TIF is up to the Council. He then commented on the credit enhancement agreement portion adding that he doesn't think there is a need to offer this on a finished project and asked that it be removed.

Jeffrey Harmon, 34 Vista Drive commented on the credit enhancement agreement noting that at no time during this project did the developer come forward for assistance or ask for an incentive. He added that there is no community benefit in extending this rebate to the developer.

Celia Mcguckian, 10 Fairmount Avenue commented on a news article which stated that 5 police officers left Auburn for another municipality because of the budget. She stated that the $500,000 could help to keep our police officers here.

Ryan Smith, 14 Weaver Street reiterated the comments made by other speakers about the credit enhancement agreement. He commented on the numbers that were provided adding that he believes those are based on phase 2 of the development and when you assume the numbers, you should assume about half if the second phase of the development is denied again by the Planning Board. He added that he would rather see a 60% TIF so we can still control 40% and no credit enhancement.

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

2. **Order 32-03202023**
Approving TIF (Tax Increment Financing) District #27 Stable Ridge Development.

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

Public comment – No one from the public spoke.

Motion was made by Councilor Hawes and seconded by Councilor Milks to amend the language in section 7 as follows:

Section 7. *The City Council will reconvene at a later date to review, hold a public hearing and vote to authorize the City Manager ~~be and hereby is authorized, empowered and directed~~ to enter into the Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.*

Passage 4-3 (Councilors Gerry, Whiting, and Walker opposed).

Motion was made by Councilor Staples and seconded by Councilor Gerry to amend by striking any reference to "credit enhancement agreement".

Failed 3-4 (Councilors Hawes, Milks, Morin, and Walker opposed).

Passage of Order 32-03202023 as amended 4-3 (Councilors Staples, Gerry, and Whiting opposed). A roll call vote was taken.

3. **Order 33-03202023**
Approving $4,598,331 of additional costs for environmental remediation of the new high school project and authorizing general obligation bonds and a tax levy therefor. First reading.

This item was taken out of order and voted on earlier on in the meeting.

4. **Order 34-03202023**
Authorizing the City Manager to execute the Collective Bargaining Agreement with the Fraternal Order of Police Union, Command Division, effective 07/01/2023.

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

Public comment – No one from the public spoke.

Passage 7-0.

5. Order 35-03202023
Authorizing the City Manager to execute the Collective Bargaining Agreement with the Fraternal Order of Police Union, Patrol Division, effective 07/01/2023.
Motion Walker/Morin

Public comment – No one from the public spoke.

Passage 7-0.

VII. Open Session

Fred Stone, 169 Royal River Road, stated that he is trying to build a small campground on his property to pay the taxes. He has a preliminary plan. He said the property is in the accepted use of Ag Zone and he is concerned that this may become all residential because the campground will not work if this happens.

VIII. Reports

Mayor Levesque reported that the School Committee is meeting every week to discuss the budget, the Legislative Policy Committee (LPC) has been meeting and he will be going to Washington DC along with the City Manager on Tuesday.

Councilor Staples said he represented the city along with City staff at the opening of LA Arts back in February, adding that it was a great event.

Councilor Walker announced that on Friday, March 17th the Age Friendly Committee put on a St Patrick's Day dinner, approximately 140 people showed up. He said they are also working with the General Assistance department to help out people that are unhoused or in need. They are planning to offer lightly worn clothing, if not brand new to those in need. This will be held on March 25th from noon - 2:00 pm at the Senior Center. Donations are welcome. They are also putting on a Movie tomorrow at the Senior Center. It is a free event, however $1.00 donations welcome but not necessary.

Councilor Morin reported that on Saturday he watched his son got his orange belt at Phoenix Karate, then went to the Home Show at the Norway Savings Bank Arena. It was a well-attended, well managed, and well represented event.

Councilor Milks announced that the Sewer District will be meeting tomorrow at 4:00 pm and the Water District will be meeting on Wednesday, also at 4:00 pm at the Auburn Water District.

Councilor Whiting said he took a field trip to University of Maine, Orono, to see their 3D printer where they constructed a house with it. It is the biggest in the world other than one that does cement based products.

Councilor Gerry said that she has been contacted by constituents who have asked that when we start posting roads due to the spring thaw, that we give them a heads up so they can get their equipment out of the woods.

Jill Eastman, Finance Director – February 2023 Finance Report

Motion was made by Councilor Milks and seconded by Councilor Whiting to accept and place on file the February 2023 final finance report.

Passage 7-0.

IX. Executive Sessions

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

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

   Passage 6-0 (Councilor Walker was not in the room for the vote).

   Time in 8:23 pm.

   Council was declared out of executive session at 8:42 pm.

2. Labor contract negotiations – Public Works Teamsters (Drivers), pursuant to 1 M.R.S.A. §405(6)(D).

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

   Passage 7-0.

   Time in 8:43 pm.

   Council was declared out of executive session at 8:48 pm.

3. Labor contract negotiations – Public Works Teamsters (Mechanics), pursuant to 1M.R.S.A. §405(6)(D).

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

   Passage 7-0.

   Time in 8:48 pm.

   Council was declared out of executive session at 8:50 pm.

X. Adjournment

Motion was made by Councilor Morin seconded by Councilor Hawes to adjourn. Unanimously approved and the meeting adjourned at 8:50 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn, Maine
Office of the Mayor
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

March 15, 2023

Senator Susan Collins
55 Lisbon Street
Lewiston, Maine 04240

Re: Androscoggin Historical Society

Dear Senator Collins:

I have recently learned that the Androscoggin Historical Society is planning to apply for a HUD grant through the Economic Development Initiative Program. I encourage you to support this application, not only for the historical society itself, but for the spin-off effects on the local economy.

The Society is a long-time stable force in our community and is now undergoing a metamorphosis to broaden its influence. Its new home will provide it with greater exposure and allow it to attract more consumers to our county.

Auburn benefits from the activities of the Androscoggin Historical Society both culturally and economically. Its programs at the one-room 1850 West Auburn Schoolhouse and at the 1796 Knight House in downtown Auburn attract visitors from far and wide, visitors who also patronize local hotels, restaurants, and retail businesses.

I believe that inclusion of $150,000 in directed spending for the AHS will result in benefits for the entire community and I encourage you to include it in your spending package. Thank you for your consideration.

Sincerely,

Jason Levesque
Mayor

The Androscoggin Historical Society
Incorporated 1923

BOARD OF DIRECTORS

David Chittim, President
Rebecca Drew
Joline Froton
Douglas Hodgkin
Curtis Jack, Treasurer
Sonia Jack, Secretary
Penelope Jessop, Vice President
Laura Juraska
Beverly Robbins
Elizabeth Keene Young

March 22, 2023

Mr. Philip Crowell
City Manager
Auburn Hall
60 Court Street
Auburn, Maine 04210

Re: Request for funds

Dear Mr. Crowell:

Thank you for the opportunity to reintroduce the Androscoggin Historical Society to members of the Council and the public at Monday's Council Meeting. It was a pleasure to meet you and was gratifying to hear the Mayor's endorsement and the pleasant recollections of Councillor Morin.

Two years ago, the AHS was operating with an annual budget of $28,000, in obscurity on the third floor of the County Building. Recognizing that this was not the highest and best use of our assets, the Directors embarked on an ambitious plan to find a more central location, increase our weekly hours from 10 to at least 40, hire a full-time Executive Director, and expand our outreach programs. This tall order was viewed as a daunting challenge, but the Board pressed on, acquiring the law offices of Murphy and Coyne at 93 Lisbon Street in Lewiston. We have established the framework for a new, professional organization and have raised $263,000 toward our target of $750,000.

Following up on my presentation to the Council, this letter is a formal request for $60,000 from the City of Auburn to help us reach these goals.

I have included a brochure describing the campaign and its goals and would be happy to answer any questions or supply any other information you may require.

Sincerely,

David Chittim
President

93 Lisbon Street, Lewiston, Maine 04240-9117
info@androhistory.org (207) 784-0586

Alison Pepin

From: Phil Crowell
Sent: Thursday, March 30, 2023 11:22 AM
To: Alison Pepin
Subject: FW: LA Arts budget proposal FY'24
Attachments: FY 24 for Cities of Lewiston and Auburn.pdf

Phil Crowell, Jr., ICMA-CM

City Manager

City of Auburn
60 Court Street, Auburn, ME 04210
Ph: 207-333-6601 Ext. 1222
www.auburnmaine.gov

From: James Parakilas <jparakil@bates.edu>
Sent: Monday, January 23, 2023 3:33 PM
To: Phil Crowell <pcrowell@auburnmaine.gov>
Subject: LA Arts budget proposal FY'24

January 23, 2023

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

Dear Phil,

Attached please find LA Arts' proposed budget for FY 2024.

We are requesting from the City Auburn in FY 2024 a renewal of our FY 2023 grant of $30,000.

This year we have been delighted to relaunch our long-standing collaboration with the City of Auburn and with the artists, arts organizations, and citizens of Auburn by means of this support for our work. In particular, it has been gratifying for us to establish a working relationship with Jennifer Boenig and other members of your administration, beginning with the planning of the Christmas Fair on Festival Plaza last month. We have been discussing other ambitious ideas with her for the future.

Our ability to serve our community has just been revived by our move into new quarters, splendidly outfitted to our specifications, at 168 Lisbon Street in Lewiston. We invite you and your colleagues to join us for the dedication of that space on Saturday, February 18 from 1:00 to 4:00 pm.

This re-opening is allowing us to restart our exhibition program with a series of wonderful shows that has already begun with Lesia Sochor's "Reuse, Repair, Reconsider." It allows us to restart the indoor concert series that we formerly offered in our Downstage space. It is allowing us to welcome a variety of community arts and culture organizations into our home for gatherings, lectures, and workshops; these already include Sketchy Friends, The Corner, and the Androscoggin Historical Society. And it is allowing us to plan events of our own, including a film series, that we have not had an adequate space for in the past.

Our other plans include new possibilities for public art works, which the adoption of public art protocols by the City of Auburn will facilitate tremendously, and for providing new arts opportunities to young people in Auburn.

I look forward to introducing our new Arts Agency Manager, Gerald Walsh, to you and your colleagues and to presenting our budget proposal and plans to you on February 14.

With best wishes,
Jim Parakilas, Board Chair
LA Arts

LA Arts Funds Request for the City of Lewiston

Revenue	FY22 Actual	FY23Budget	as of 1/5/23	FY 23 Estimated Actual	FY24Budget
50001 Government & Public Inst Grants	$ 108,296.91	$ 75,000.00	$ 68,602.13	$ 84,852.00	$ 75,000.00
50002 Private Grants - Foundations	$ 15,141.50	$ 15,000.00	$ 8,504.06	$ 8,504.06	$ 20,000.00
50003 Corporate Donations & Sponsorships	$ 11,944.00	$ 14,000.00	$ 15,050.00	$ 15,050.00	$ 15,000.00
50004 Individual Donations	$ 11,826.13	$ 10,000.00	$ 6,749.63	$ 16,775.50	$ 15,000.00
50007 Donated Goods	$ -	$ 300.00	0	$ 400.00	$ 500.00
50008 Donated Services	$ 7,396.80	$ 14,000.00	$ 3,352.08	$ 14,300.00	$ 14,900.00
50009 Endowment Donation	$ 250.00	$ 250.00	$ 300.00	$ 5,300.00	$ 5,300.00
Total Contributions, Grants & Gifts	**$ 154,855.34**	**$ 128,550.00**	**$ 102,557.90**	**$ 145,181.56**	**$ 145,700.00**
50201 Advertising	$ -	$ -	$ -	$ -	$ -
50202 Ticket Sales	$ -	$ -	0	$ -	$ -
50203 Art Work Sales	$ -	$ -	0	$ -	$ -
50204 Program Service Fees	$ -	$ 1,500.00	$ 390.00	$ 390.00	$ 400.00
50205 Adminstrative Service Fees	$ -	$ -	$ -	$ -	$ -
50206 Sales Commissions	$ -	$ -	0	$ -	$ -
50208 Bar Sales	$ -	$ -	0	$ -	$ -
50400 Other Revenues and Gains	$ 11,035.58	$ 8,000.00	$ 1,140.00	$ 1,500.00	$ 1,500.00
Total Program Service Revenue	**$ 11,035.58**	**$ 9,500.00**	**$ 1,530.00**	**$ 1,890.00**	**$ 1,900.00**
Total Revenue	**$ 165,890.92**	**$ 138,050.00**	**$ 104,087.90**	**$ 147,071.56**	**$ 147,600.00**
Expenses					
70000 Employee Expenses	$ 14,729.21	$ 26,000.00	$ 14,721.31	$ 34,220.00	$ 42,500.00
70200 Non-Employee Expense	$ 61,807.75	$ 60,000.00	$ 23,822.50	$ 28,500.00	$ 50,400.00
70400 Advertising & Promotion	$ 6,980.11	$ 13,000.00	$ 4,622.12	$ 14,590.00	$ 16,160.00
70600 Office Expenses	$ 3,150.33	$ 10,500.00	$ 2,238.24	$ 4,500.00	$ 7,000.00
70800 Information Technology	$ 1,675.79	$ 2,000.00	$ 811.75	$ 1,200.00	$ 2,000.00
71200 Occupancy Costs	$ 11,726.83	$ 30,000.00	$ 29,669.70	$ 35,000.00	$ 25,300.00
72400 Insurance Expense	$ 2,596.60	$ 3,500.00	$ 2,893.00	$ 3,200.00	$ 3,200.00
72600 Program Production Expenses	$ 2,193.45	$ 4,000.00	$ 5,616.79	$ 11,820.00	$ 14,390.00
All other expenses	$ 29,171.93	$ 3,800.00	$ 1,819.04		
Total Expenses	**$ 134,032.00**	**$ 152,800.00**	**$ 86,214.45**	**$ 133,030.00**	**$ 160,950.00**
Net Income	**$ 31,858.92**	**$ (14,750.00)**	**$ 17,873.45**	**$ 14,041.56**	**$ (13,350.00)**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023 **Orders:** 33-03202023 & 37-04032023

Author: Mark Conrad

Subject: Approving additional costs for environmental remediation of the new high school project and authorizing general obligation bonds and a tax levy therefor. First reading.

Information: The existing Edward Little High School is scheduled for demolition following the opening of the new High School. Over the course of the project, with further testing for PCB remediation, the extent of the required abatement has significantly increased beyond the project allowance of $675,000, to a current estimate of over $5 million. This requires additional funding to the construction budget of just under $4.6 million.
The full cost of additional bonding required to raise these funds will fully qualify for State school subsidy funds. **The State of Maine will therefore fully fund this increase, with no impact on the local tax rate.**

If the City of Auburn fails to approve these additional funds at referendum we will **not** have the funding available to demolish the existing High School. The building will remain empty on the site, resulting in the loss of athletic fields, parking, and the bus loop, and in additional costs to modify the existing site plan, particularly with regard to drainage.

At a straw poll held on February 27, 2023 the 49 residents voting in the straw poll unanimously supported the referendum question. On March 8, 2023 the State Board of Education unanimously approved a revised concept approval for the Edward Little High School Construction Project, a necessary step to amend (increase) the approved construction budget and qualify for State subsidy.

City Budgetary Impacts: Additional Debt Service costs offset by additional state subsidy funds

---

Staff Recommended Action: Hold a public hearing and recommend passage of second reading on the bond order 33-03202023 and recommend passage of referendum ballot question, order 37-04032023.

Previous Meetings and History: Passage of first reading on the bonds at the 3/20/2023 Council meeting.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Memorandum from Dr. Brown with a "Statement of Fact" to the State Board of Education

TO: Auburn City Council

FR: Dr. Cornelia Brown, Superintendent of Schools

DATE: March 10, 2023

RE: Approval of Referendum Question

At your March 20th meeting the Auburn City Council will be asked to the following referendum question:

"Shall the City of Auburn approve City Council Order__-____2023 and (a) authorize up to $4,598,331 in additional costs for environmental remediation (Polychlorinated Biphenyls (PCB) Abatement) of the soil and existing building material at the new high school project location, and (b) authorize up to $4,598,331 of the City's general obligation bonds (which may be callable) for that purpose (all of which additional bonds have been approved for State debt service subsidy support), the sale proceeds of which, together with investment earnings, if any, are appropriated to finance such costs (including costs of issuance and capitalized interest)?"

As you know, the existing Edward Little High School is scheduled for demolition following the opening of the new High School. Over the course of the project, with further testing for PCB remediation, the extent of the required abatement has significantly increased beyond the project allowance of $675,000, to a current estimate of over $5 million. This requires additional funding to the construction budget of just under $4.6 million.

For your information I would highlight the following points:

- The full cost of additional bonding required to raise these funds will fully qualify for State school subsidy funds. **The State of Maine will therefore fully fund this increase, with no impact on the local tax rate.**
- If the City of Auburn fails to approve these additional funds at referendum we will **not** have the funding available to demolish the existing High School. The building will remain empty on the site, resulting in the loss of athletic fields, parking, and the bus loop, and in additional costs to modify the existing site plan, particularly with regard to drainage.
- At a straw poll held on February 27, 2023 the 49 residents voting in the straw poll unanimously supported the referendum question.
- On March 8, 2023 the State Board of Education unanimously approved a revised concept approval for the Edward Little High School Construction Project, a necessary step to amend (increase) the approved construction budget and qualify for State subsidy.

For your additional information I have attached the Statement of Fact provided to the State Board of Information. Thank you for your support of this referendum question.

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

JANET T. MILLS
GOVERNOR

PENDER MAKIN
COMMISSIONER

EXHIBIT IX.B.

To: Members of the State Board of Education

From: Pender Makin, Commissioner*

Date: March 8, 2023

Subject: Major Capital School Construction Program; REVISED Concept Approval Consideration; Auburn School Department-New Edward Little High School Construction Project

STATEMENT OF FACT

Superintendent Dr. Cornelia Brown requests that the State Board of Education grants REVISED Concept Approval for the new Edward Little High School (ELHS) in Auburn. The project, planned for 1,100 Auburn high school students and 210 Lewiston Regional Career and Technical Center (LRTC) students, is being constructed on the existing high school site adjacent to the current ELHS.

State Board of Education Site Approval occurred on September 12, 2018 and Concept Approval on April 10, 2019. The project was approved by local referendum vote on June 11, 2019. After receiving State Board of Education Design and Funding Approval on December 21, 2020, construction documents were issued for bidding.

The COVID pandemic began in March of 2020. Bids were opened on March 2, 2021. Two qualified bids were received, both well over budget. The lowest bid was 6% above cost estimates. Construction contingency was not funded to the 5% standard due to a lack of funds. Investigating cost saving options after bid opening, the owner, architect, and Department staff worked closely with the low bidder, Arthur C. Dudley Contractor/Builder of Standish, to eliminate the budget gap and keep the project on the approved schedule and budget. The most significant reductions came from value engineering, moveable equipment, and project contingency totaling $6,163,174. A construction contract was signed, and construction began immediately in March of 2021.

Due to the ongoing COVID pandemic and the global events that followed, the project experienced numerous challenges from its inception: increasing costs of materials, labor shortages, supply chain disruptions, and an extremely overloaded construction market. These conditions continued to worsen and placed unprecedented financial stress on the project. A process has been developed to allow specific material cost increases as a project contingency expense.

Due to required EPA comprehensive testing, a significant amount of polychlorinated biphenyl (PCB's) was identified in the existing ELHS which must be abated prior to demolition. If discovered earlier, the financial implications would have been reflected in the project budget presented at the time of Concept Approval. A final plan, which includes abatement, transportation,

disposal, and fees, requires an additional $4,598,331 bond to maintain other budget line items and keep the project on its schedule for student occupancy in Fall of 2023. This will allow the demolition and remaining site work to be completed by Summer of 2024.

This REVISED Concept Approval is being requested pursuant to Title 20-A M.R.S. §15905(1) and State Board of Education Rule, Chapter 61, Rules for Major Capital School Construction Projects.

Project Information:
Project: Auburn School Department - New Edward Little High School Construction Project
Superintendent: Dr. Cornelia Brown
Architect: Harriman – Mark Lee, Lisa Sawin
Schools to be closed: Existing Edward Little High School to be demolished

REVISED Project Budget Information:
Total Project Cost: $126,614,673 (increased by $4,598,331 from $122,016,342)
Local Only (no State participation): $16,117,492 (no increase)
Approved for State/Local Debt Service Subsidy: $110,497,181 (increased by $4,598,331 from $105,898,850)

COMMISSIONER'S RECOMMENDATION

The Commissioner of the Department of Education recommends that the State Board of Education grant REVISED Concept Approval to the Auburn School Department that includes an additional $4,598,331 in the project budget for the abatement of PCB's at the existing Edward Little High School to complete the construction project.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION

On February 24, 2023 the School Construction Committee recommended that this exhibit be placed on the March 8, 2023 State Board meeting agenda and that the State Board grant REVISED Concept Approval to the Auburn School Department that includes an additional $4,598,331 in the project budget for the abatement of PCB's at the existing Edward Little High School to complete the construction project.

**Prepared by the Office of School Facilities*

Exhibit IX.B.
REVISED Concept Approval Consideration
New Edward Little High School Construction Project
March 8, 2023

Summary of PCB Cost Increases to Project Budget

Budget Line Impacted	*Description*	*Total*
Line 1	PCB Remediation	$ 2,755,181
Line 6	PCB Waste Removal and Transport	$ 1,133,150
Line 14	PCB Remediation Oversight/Verification	$ 710,000
	TOTAL PCB Costs	**$ 4,598,331**

State of Maine
Department of Education
Office of School Facilities

Major Capital School Construction
Project Budget

Auburn School Department
Edward Little High School
Grades 9-12 (1,100 Students) CTE (210 Students)

Harriman
REVISED Concept Approval
March 8, 2023

		State/Local	Local Only & Other Funding	Total
A	**CONSTRUCTION**			
1	School and Site Construction Estimate	$93,910,798	$13,548,745	$107,459,543
	Subtotal	**$93,910,798**	**$13,548,745**	**$107,459,543**
B	**ADMINISTRATIVE COSTS & RESERVES**			
2	Land Purchase and Related Costs	$0	$0	$0
3	Moveable Equipment	$3,322,500	$335,343	$3,657,843
4	Advertising and Legal	$375,857	$0	$375,857
5	Percent for Art	$50,000	$0	$50,000
6	Project Reserves	$1,133,150	$585,418	$1,718,568
7	Project Contingency	$4,309,987	$643,273	$4,953,260
	Subtotal	**$9,191,494**	**$1,564,034**	**$10,755,528**
C	**FEES AND SERVICES**			
8	Architect / Engineer Basic Services	$5,172,137	$800,495	$5,972,632
9	Architect / Engineer Additional Services	$43,000	$0	$43,000
10	Architect / Engineer Reimbursables	$34,650	$0	$34,650
11	Site Selection	$161,328	$0	$161,328
12	Permitting & Approvals	$170,001	$61,731	$231,732
13	Survey and Soils	$175,935	$0	$175,935
14	Construction Testing	$900,657	$29,343	$930,000
15	Project Coordination	$118,294	$18,206	$136,500
16	Clerk of the Works	$378,541	$58,259	$436,800
17	Commissioning	$238,321	$36,679	$275,000
18	Other Professional Services	$2,025	$0	$2,025
	Subtotal	**$7,394,889**	**$1,004,713**	**$8,399,602**
D	**TOTAL PROJECT COST**	**$110,497,181**	**$16,117,492**	**$126,614,673**
E	**OTHER FUNDING SOURCES**	**$0**	**$1,585,418**	**$1,585,418**
F	**MAXIMUM BOND AMOUNTS**	**$110,497,181**	**$14,532,074**	**$125,029,255**
G1	**FINAL FUNDING APPROVAL 3/24/21**	**$105,898,850**	**$16,117,492**	**$122,016,342**
G2	**REQUIRED ADDITIONAL FUNDING**	**$4,598,331**	**$0**	**$4,598,331**

Auburn School Department
Edward Little High School

REVISED

REVISED Concept Approval
March 8, 2023

PROPOSED PROJECT SCHEDULE

Activity	Date
Site Approval by State Board of Education	September 12, 2018
Concept Approval by State Board of Education	April 10, 2019
Referendum Date	June 11, 2019
Design Development Complete	January 17, 2020
100% Construction Documents Complete	October 14, 2020
Design & Funding Approval by State Board of Education	December 21, 2020
Project out to Bid	December 16, 2020
Bid Opening	March 2, 2021
Final Funding Approval by the Commissioner of Education	March 24, 2021
*Dept. of Education Established Bond Dates	Spring 2021/Spring 2022
REVISED Concept Approval	March 8, 2023
Second Local Referendum	June 13, 2023
REVISED Design & Funding Approval	June 14, 2023
REVISED Final Funding Approval	June 15, 2023
Substantial Completion *(approx. 30 months)*	July 1, 2023
PCB Abatement and Building Demolition	July 1, 2023
*Final Dept. of Education Established Bond Date	Fall 2023
Building Occupancy	August 1, 2023
Site Occupancy	August 1, 2024

**Bond date contingent upon Legislative appropriation.*

SQUARE FOOT SUMMARY

Space Definition	State/Local	Local Only	Total
New Construction (sf)	251,503	26,561	**278,064** *sf*
Renovation (sf)	0	0	**0** *sf*
Total	**251,503**	**26,561**	**278,064** *sf*

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing and second reading on Monday, April 3, 2023, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing $4,598,331 of the City's general obligation bonds to finance additional costs for environmental remediation (Polychlorinated Biphenyls (PCB) Abatement) of the soil and existing building material at the new high school project location. The order is available for inspection at the City Clerk's office during regular business hours and on the City's website: www.auburnmaine.gov.

Public comment may be given at the meeting or can be sent via email to: **comments@auburnmaine.gov**. Your comments will be included in the meeting minutes.

The City Council meeting can be viewed LIVE on on Great Falls TV channel 11 and on the City of Auburn YouTube channel.

Following the public hearing and first reading, the City Council expects to take final action on the order.

ORDER 33-03202023

City Council Order

IN CITY COUNCIL

ORDER – APPROVING $4,598,331 OF ADDITIONAL COSTS FOR ENVIRONMENTAL REMEDIATION OF NEW HIGH SCHOOL PROJECT AND AUTHORIZING GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter:

THAT there be and hereby is authorized (a) $4,598,331 in additional costs for environmental remediation (Polychlorinated Biphenyls (PCB) Abatement) of the soil and existing building material at the new high school project location, and (b) issuance of up to $4,598,331 City of Auburn general obligation bonds, which may be sold at or above par, the sale proceeds of which, together with investment earnings, if any, are appropriated to finance such costs (including costs of issuance and capitalized interest).

Be It Further Ordered by the Auburn City Council:

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to prepare, issue, and sell such bonds and notes in anticipation therof, in the aggregate amount of $4,598,331 at one time, or from time to time, as one or more separate bond issues or consolidated with any other issue of bonds and notes authorized to be issued by the City Council, as term bonds or serial bonds, through a public offering or a private placement, on a competitive or negotiated basis, or some combination of any of the foregoing, all as the Finance Director shall determine to be appropriate in her sole discretion.

THAT the bonds and notes authorized hereunder shall be executed in the name of and on behalf of the City by the City's Finance Director and its Treasurer, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the City seal thereon, attested by its Clerk.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to establish, determine and approve the form, dates, maturities (with the last maturity not to exceed the maximum term permitted by law), denominations, interest rates, places of payment, provisions for early redemption, with or without a premium, prior to the stated maturity date(s), and all other details, including the timing and manner of their sale and award, such approval to be conclusively evidenced by her execution thereof.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

THAT a tax levy is hereby provided for each fiscal year that the bonds authorized hereunder remain outstanding to meet the annual installments of principal and interest as may accrue in each respective year.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to designate the bond or notes authorized hereunder, or a portion thereof, as qualified tax-exempt obligations under Section 265 of the Internal Revenue Code of 1986, as amended.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve and select a financial advisor and underwriter with respect to the issue, sale and delivery of the bonds and notes, and to approve, execute and deliver such contracts, agreements, loan agreements, investment agreements, bond purchase agreements, official statements, certificates, tax certificates, instruments, assignments and other documents (the " Bond Documents"), as may be necessary or advisable in order to accomplish the issuance of the bonds and notes, which Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, as may be approved by the Finance Director, such approval to be conclusively evidenced by her execution thereof.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds or any other Bond Document necessary or convenient to the issuance, execution and delivery of the bonds or notes, the person or persons then acting in any such capacity, whether on an interim or acting basis, as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 33-03202023

City Council Order

THAT the City may pay certain costs of the projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.

THAT the bonds and notes authorized hereby are conditioned upon and made subject to an approving vote of the voters of the City.

A Public Notice describing the general purpose of the borrowing and the terms thereof and the times and places where copies of the bond proposal were available for inspection by the public was published on or before March 20, 2023, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on April 3, 2023.

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

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

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

ORDER 37-04032023

City Council Order

IN CITY COUNCIL

ORDER – APPROVING QUESTION FOR MUNICIPAL REFERENDUM ELECTION WITH RESPECT TO ENVIRONMENTAL REMEDIATION COSTS FOR NEW HIGH SCHOOL CONSTRUCTION PROJECT AND GENERAL OBLIGATION BONDS THEREFOR

Be It Ordered by the Auburn City Council that the question in substantially the following form and with substantially the following summary descriptions be approved and submitted to the voters of the City of Auburn to consider at a municipal referendum election:

> Shall the City of Auburn approve City Council Order 33-03202023 and (a) authorize up to $4,598,331 in additional costs for environmental remediation (Polychlorinated Biphenyls (PCB) Abatement) of the soil and existing building material at the new high school project location, and (b) authorize up to $4,598,331 of the City's general obligation bonds (which may be callable) for that purpose (all of which additional bonds have been approved for State debt service subsidy support), the sale proceeds of which, together with investment earnings, if any, are appropriated to finance such costs (including costs of issuance and capitalized interest)?
>
> Project Description: During construction of the new Edward Little High School Project, the City discovered unexpected Polychlorinated Biphenyls (PCB) contamination in the soil and existing building material at the new high school project location. The additional funding will pay for the costs to remediate and abate this environmental concern.

Be It Further Ordered by the Auburn City Council that the ballot shall contain the additional information required by Title 20-A and Title 30-A.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023 **Order:** 38-04032023

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of 32 Dunn Street (Former St. Louis Church)

Information: The sale of this property for $50,000 will allow Thomas Robinson (the developer) to renovate the former St. Louis Church into one and two bedroom into twenty (20) market rate apartments.

City Budgetary Impacts: Possible use of up to $250,000 from the downtown incentive fund. If downtown incentive funds are requested, City Council will need to approve the use of the funds durning an open City Council Meeting.

Staff Recommended Action: Approve

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 38-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute a Purchase and Sale Agreement with Thomas Robinson for the purchase of 32 Dunn Street Auburn, Maine (Tax Parcel 221-196-001) for $50,000 Fifty Thousand Dollars.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 03, 2023 **Order:** 39-04032023

Author: Alison F. Pepin, Deputy Clerk

Subject: Olive Garden Holdings, LLC., DBA The Olive Garden Italian Restaurant, #6480

Information: Olive Garden Holdings, LLC., DBA The Olive Garden Italian Restaurant, #6480, a new business located at 10 Subaru Drive applied for a Liquor License. Police, Fire, and Code have completed the necessary inspections and have granted approval. There are no outstanding taxes owed.

City Budgetary Impacts: None

Staff Recommended Action: Public Hearing and recommend passage.

Previous Meetings and History: N/A

City Manager Comments: I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Applications
- Public Notice
- Order

CITY OF AUBURN
BUSINESS LICENSE APPLICATION

Business Name: Olive Garden #6480

☑ NEW ☐ RENEWAL

If new business, please provide proposed opening date. 4/21/23

Please check the boxes for all licenses you are applying for:

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...**$100**
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.

☑ **FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I) $500**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)..... $400**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X) $1000**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE(On/Off), no Alcohol.....$200**
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB..... $200**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Temp FSE** (Per event max 30 days).....**$60**

Event Name _____

Event Date _____

***All above licenses**: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine..... $200**

Other Business Licenses Applying for:

☐ ***Special Amusement $125**
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionaire (pg. 4.

☐ ***Pawnshop/Pawn Broker $100**

☐ ***Secondhand Dealer..... $100**

☐ ***Massage Establishment/Therapist..... $150**
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist..... $100**

***Above licenses:** *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

☐ **Bowling Alley (fee per lane) $85**
# of lanes: _____

☐ **Roller Skating Rinks with Part/Full Kitchen.....$90**

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc..... $100**

Seating: 194 **Occupancy load:** Pending Final Inspection. Will Update Promptly.

LICENSING FEE(S) TOTAL DUE: $ 500
Will provide additional $100 Hearing/Notice Fee

NAME OF BUSINESS: The Olive Garden Italian Restaurant #6480 BUSINESS ADDRESS: 10 Subaru Drive, Auburn, ME 04210

BUSINESS MAILING ADDRESS: PO Box 695016, Orlando, FL 32837-5016

OWNER'S NAME (LOCAL/ONSITE): Publicly Traded DOB: _____ PHONE: _____

OWNER'S ADDRESS: _____ MAILING ADDRESS: _____

PREFERRED EMAIL: licensinglaw@darden.com

MANAGER'S NAME: Ryan Quinn PHONE #: 917-531-1703 DOB: 05/08/1976

PREFERRED CONTACT NAME: Sarah Wood PHONE #: 407-245-4841

EMAIL ADDRESS: licensinglaw@darden.com

DESCRIPTION OF BUSINESS: Full service restaurant serving alcoholic beverages.

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): _____

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ■ LLC ☐ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title
Lindsay L. Koren	8803 Abbey Leaf Lane, Orlando, FL 32827	01/16/78	0	President/Mgr
Colleen H. Lyons	11762 Aurelio Lane, Orlando, FL 32827	06/22/72	0	Secretary/Mgr
GMRI, Inc.			100	Sole Member

OWNER OF BUILDING/UNIT: FCPT Holdings, LLC, PHONE # (415) 965-8033

OWNER'S ADDRESS: 591 Redwood Hwy, Ste 3215, Mill Valley, CA 94941 Attn: Jim Brat

HOURS OF OPERATION: Mon: 11 am - 10 pm Tues: 11 am - 10 pm Wed: 11 am - 10 pm Thurs: 11 am - 10 pm
Fri: 11 am - 11 pm Sat: 11 am - 11 pm Sun: 11 am - 10 pm

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ■ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Lindsay L. Koren (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: Lindsay Ko **Date:** 3/16/23

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

✓ Approved	_ Denied	FIRE INSPECTOR	DO 3/21
✓ Approved	_ Denied	CODE ENFORCEMENT OFFICER	KB 3/21
✓ Approved	_ Denied	POLICE	BS 3/21
✓ Approved	_ Denied	FINANCE	ML 3/21

Comments:

Application date: 3/21/23 License issued on: _____

Fees paid: License fee(s) 500.00 Public hearing fee 100.00 Background fee _____ Late fee _____

Total amount paid = $ 600.00

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

LAURIE PROCTOR
THE BENNETT LAW FIRM, P.A.
75 MARKET STREET, SUITE 201
PORTLAND, ME 04101

Transaction Response #: MIQ99F600238

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-03-20) :

Inquiries Name(s) LINDSAY L KOREN (1978-01-16)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

LAURIE PROCTOR
THE BENNETT LAW FIRM, P.A.
75 MARKET STREET, SUITE 201
PORTLAND, ME 04101

Transaction Response #: MIQ99F600247

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-03-20) :

Inquiries Name(s) LINDSAY L CHICHESTER (1978-01-16)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

LAURIE PROCTOR
THE BENNETT LAW FIRM, P.A.
75 MARKET STREET, SUITE 201
PORTLAND, ME 04101

Transaction Response #: MIQ99F600252

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-03-20) :

Inquiries Name(s) RYAN J QUINN (1976-05-08)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

LAURIE PROCTOR
THE BENNETT LAW FIRM, P.A.
75 MARKET STREET, SUITE 201
PORTLAND, ME 04101

Transaction Response #: MIQ99F600242

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-03-20) :

Inquiries Name(s) COLLEEN H LYONS (1972-06-22)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

LAURIE PROCTOR
THE BENNETT LAW FIRM, P.A.
75 MARKET STREET, SUITE 201
PORTLAND, ME 04101

Transaction Response #: MIQ99F600245

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-03-20) :

Inquiries Name(s) COLLEEN H COLLEEN MARIE LYONS (1972-06-22)

NO MATCH WAS FOUND FOR YOUR REQUEST.

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:	Yes ☐ No ☐

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): Olive Garden Holdings, LLC	Business Name (D/B/A): The Olive Garden Italian Restaurant #6480
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 10 Subaru Drive, Auburn, ME 04210
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: PO Box 695016, Orlando, FL 32869-5016
Mailing address, if different from DBA address:	Email Address: licensinglaw@darden.com
Telephone # Fax #: 407-245-4000	Business Telephone # Fax #: (207) 376-8149 (207) 376-9265
Federal Tax Identification Number: 47-4531614	Maine Seller Certificate # or Sales Tax #: 1006-4245
Retail Beverage Alcohol Dealers Permit: N/A	Website address: www.olivegarden.com

1. New license or renewal of existing license? ☒ New Expected Start date: 04/21/2023
   ☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
   Food: $ 3,391,200.00 Beer, Wine or Spirits: $ 376,800.00 Guest Rooms: $ 0.00

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
   ☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

1000 Darden Center Drive, Orlando, FL 32837

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: _____

_____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Lindsay L. Koren (maiden Lindsay L. Chichester)	01/16/1978	Fort Wayne, IN
Colleen H. Lyons (maiden Colleen Marie Lyons)	06/22/1972	Miami, FL
Ryan J. Quinn	05/08/1976	Bay Shore, NY

Residence address on all the above for previous 5 years	
Name Lindsay Koren	Address: 8803 Abbey Leaf Lane, Orlando, FL 32827
Name Colleen Lyons	Address: 11762 Aurelio Lane, Orlando, FL 32827
Name Ryan Quinn	Address: 9 Summer Street, Apt. 1, Freeport ME 04032 (see attached)
Name	Address:

Addresses for last 5 years:

Ryan Quinn

3/2022 to current:	9 Summer St Apt 1 Freeport, ME 04032
3/2021 to 3/2022:	100 Clearwater Dr Unit 138 Falmouth ME 04105
3/2014 to 3/2021:	500 S Valley Forge Rd Lansdale PA 19446

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

☐ Yes ☒ No

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

_____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

FCPT Holdings, LLC, 591 Redwood Hwy, Ste 3215, Mill Valley, CA 94941 Attn: Jim Brat

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 0.00

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

Full service restaurant serving alcoholic beverages in the dining rooms, bar and lounge areas.

One story building 6,607 sq. ft. building.

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

Name: Full Gospel Tabernacle

Distance: 2,500.00

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 03/16/2023

Lindsay Koren

Signature of Duly Authorized Person

Signature of Duly Authorized Person

Lindsay L. Koren

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

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

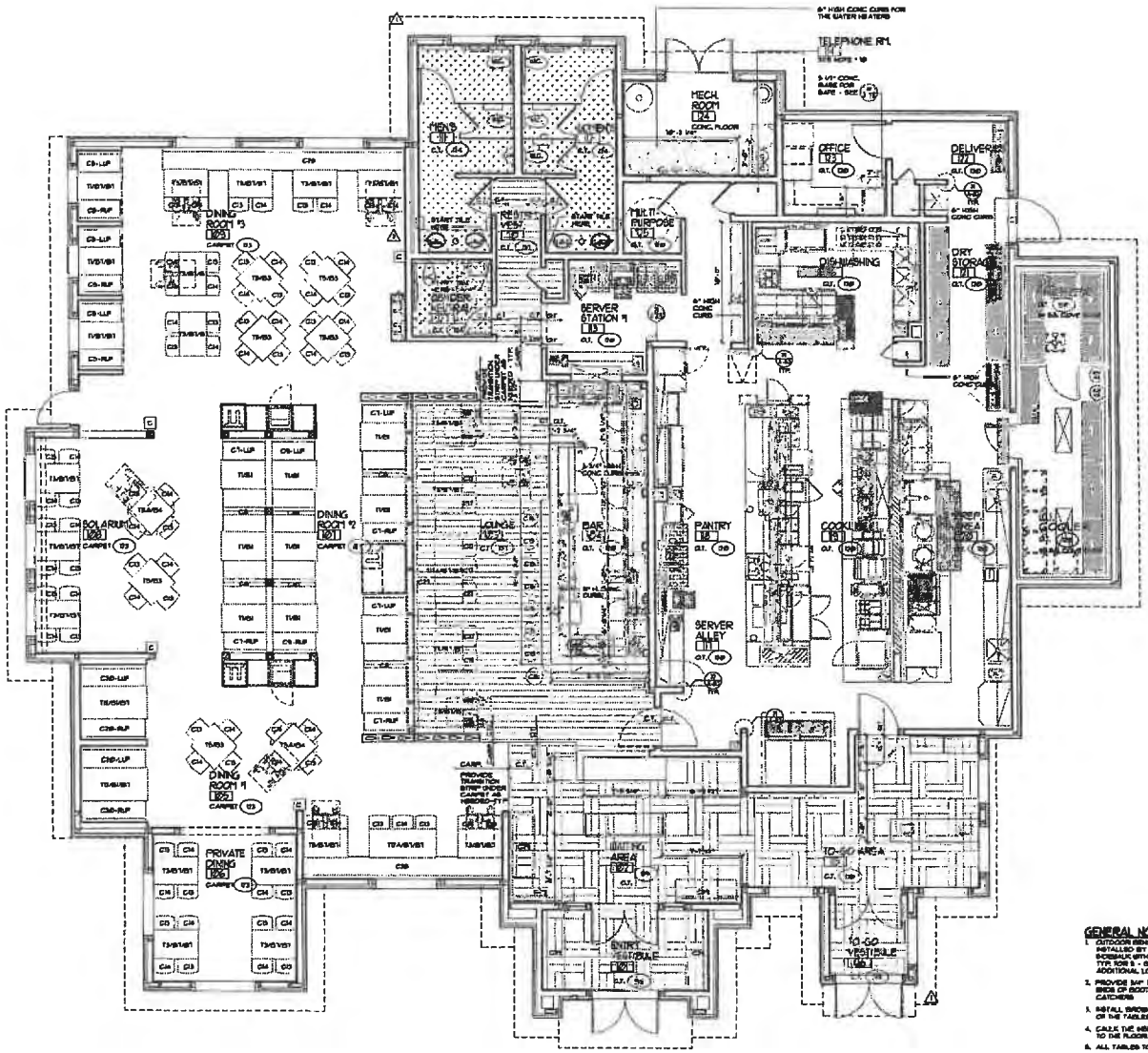
Class of License	Type of liquor/Establishments included	Fee
Class I	**For the sale of liquor (malt liquor, wine and spirits)**	$ 900.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs;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

Section VI Premises Floor Plan

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

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

See Attached Diagram.



GENERAL NOTES:

1. OUTDOOR BENCH FURNISHED BY OWNER INSTALLED BY G.C. - G.C. TO MOUNT TO SUBSTRATE WITH APPROPRIATE BOLTS TYP. FOR 8 - SEE SITE PLAN FOR ADDITIONAL LOCATIONS
2. PROVIDE 3/4" TO 1" WOOD FILLERS AT ENDS OF BOOTH AT WALLS AS CRUMB CATCHERS
3. INSTALL SNUGG BUMPERS ON THE ENDS OF THE TABLES THAT TOUCH THE WALL.
4. CAULK THE ENDS OF THE BOOTH BASES TO THE FLOOR.
5. ALL TABLES TO HAVE RADIUS CORNERS
6. USE PLASTIC WHEN INSTALLING THE STAINLESS STEEL BASE IN THE WALK-IN FREEZER AND COOLER.
7. A SINGLE LAYER OF HORIZEAL® IS TO BE APPLIED ALL AROUND THE BOTTOM INTERIOR EDGE OF THE FREEZER / COOLER 3" FROM THE WALL AND 3" UP THE WALL. HZ® HORIZEAL® IS COMPOSITE POLYCARBONATE, NON-PLASTICIZED CALORIMETRIC POLYETHYLENE, NOMINAL THICKNESS OF .30 MILS. FLEXIBLE STRUCTURE GLASS COMPOSITE FABRIC LAMINATED ON BOTH SURFACES.
8. DIMENSIONS ON THE CONCRETE CURBS ARE SHOWN FROM FACE OF SNUG-SHIELD

LEGEND:

- 6" CONC. CURB - VERIFY SIZE W/ MILLWORK + BOOTH VENDOR (UNLESS OTHERWISE NOTED)
- MATT TILE MARSH MODEL: MATS INC. / CAL-TECH COLOR: NCA COL. 345 / M3883
- C COAT RACK TO BE PROVIDED BY OWNER VENDOR

FURNISHINGS AND FLOOR FINISH PLAN

FURNISHINGS SCHEDULE

ITEM NO.	DESCRIPTION	PURCH. AND INSTALL BY	QTY.
	TABLE TOPS		
T1	36" X 48" WHITE OAK - OIL STAIN (SEALED TOP) + BOT, RD TWO CORNERS (SU) DR (ST-SU12)	SCI	13
T3	36" X 48" WHITE OAK - OIL STAIN (SEALED TOP) + BOT, ROUND FOUR CORNERS) (ST-SU12)	SCI	16
T4	36" X 48" WHITE OAK - OIL STAIN (SEALED TOP) + BOT, ROUND FOUR CORNERS) (ST-SU12) OR (T3)	SCI	NOT USED
T5	36" X 36" WHITE OAK - OIL STAIN (SEALED TOP) + BOT, ROUND 4 CORNERS) (SU)	SCI	6
T5A	36" X 36" WHITE OAK - OIL STAIN (SEALED TOP) + BOT, ROUND 4 CORNERS W/ FLIP SHEDU (SU)	SCI	2
T6	36" X 36" WHITE OAK - OIL STAIN (SEALED TOP) + BOT, ROUND 4 CORNERS) (SU) FULL HEIGHT	SCI	NOT USED
T7	42" DIAMETER WHITE OAK - OIL STAIN (SEALED ANGLE CUT) (SU) FOR CHILLED BASE	SCI	NOT USED
T8	36" X 72" WHITE OAK - OIL STAIN (SEALED TOP + BOT, ROUND TWO CORNERS) (SU)	SCI	3
T8A	36" X 72" WHITE OAK - OIL STAIN (SEALED TOP + BOT, ROUND FOUR CORNERS) (ST-SU12)	SCI	1
T9	36" X 72" WHITE OAK - OIL STAIN (SEALED TOP + BOT, ROUND FOUR CORNERS) (ST-SU12)	SCI	NOT USED
	BASES		
B1	7818-36 CANTILEVER BASE (CL1836A18A	FLAT-TECH	13
B2	STANDARD HEIGHT PH LEG (PL-3668A	FLAT-TECH	3
B3	FOLD-36D48 TABLE BASE (CT4836)	FLAT-TECH	6
B4	FOLD-36D36 TABLE BASE (CT3621	FLAT-TECH	2
B4-1	K822, 2248 (T) TABLE BASE (CT-2448) (TWO PER BOX)	FLAT-TECH	36
B4A	K436 (CAN MEDIUM) 60TH FOOT RING MIDDLE TABLE BASE (CT4836)	FLAT-TECH	NOT USED
	BOOTHS / CHAIRS		
C1	44 1/4 SINGLE BOOTH, 42" BACK, UNFINISHED, TUFTED NO BUTTONS BACK: FABRIC: KIMFIT CONTRACT - BARRA MOBAG 3994-61-61, COLOR: "TIGER LILY", SEAT FABRIC: KB CONTACT - HEP-94570-PEP1 013, COLOR: "TRAIL"	SCI	6 (3 -LUP / 3 -LUP)
C1A	44 1/4 SIDE 2 BOOTH, 42" BACK, UNFINISHED, BACK: FABRIC: PANAC - BERNICK #1 VINYL, COLOR: "295 BASE GREEN" SEAT FABRIC: ETKON LUSANO VPH-LG-65, COLOR: "FALCON"	SCI	6 (1 -LUP / 5 -LUP)
C1B	44 1/4 DOUBLE BOOTH, 42" BACK, UNFINISHED, BACK: FABRIC: PANAC - BERNICK #1 VINYL, COLOR: "295 BASE GREEN" SEAT FABRIC: ETKON LUSANO VPH-LG-65, COLOR: "FALCON"	SCI	4
C1C	44 1/4 SINGLE BOOTH, 42" BACK, UNFINISHED, BACK: FABRIC: ETKON - LUSANO VPH-LG-65, COLOR: "FALCON" SEAT FABRIC: ETKON LUSANO VPH-LG-65, COLOR: "FALCON"	SCI	2 (1 -LUP / 1 -LUP)
C1D	44 1/4 DOUBLE BOOTH, 42" UNFINISHED BACK: FABRIC: ARC-COM - ELEVADO MC-43689, COLOR: "GOLDENROD 16", SEAT FABRIC: ETKON LUSANO VPH-LG-65, COLOR: "GOLDEN OAK"	SCI	3
C2	HERO LOUNGE CHAIR, SEAT + BACK FABRIC KB CONTACT - COLORADO CLIMB1 COLOR: "EAGLE"	LEATHER SEATING	8
C3	DINING CHAIR - DARK BEAN SEAT FABRIC: ETKON LUSANO VPH-LG-66, COLOR: "FALCON"	FLORIDA SEATING OR JASPER SEATING	42
C4	DINING CHAIR - DARK BEAN SEAT FABRIC: ETKON LUSANO VPH-LG-65	FLORIDA SEATING OR JASPER SEATING	4
C5	BAR STOOL, SEATS BACK FABRIC: ETKON - LUSANO VPH-GG-65, COLOR: "SIERRA"	FLORIDA SEATING	6
C6	66 1/4 SINGLE BOOTH, 42" BACK, UNFINISHED, BACK: FABRIC: PANAC - BERNICK #1 VINYL, COLOR: "295 BASE GREEN" SEAT FABRIC: ETKON LUSANO VPH-LG-65, COLOR: "FALCON"	SCI	NOT USED
C6A	66 1/4 DOUBLE BOOTH, 42" BACK, UNFINISHED, BACK: FABRIC: PANAC - BERNICK #1 VINYL, COLOR: "295 BASE GREEN" SEAT FABRIC: ETKON LUSANO VPH-LG-65, COLOR: "FALCON"	SCI	NOT USED
C7	66 1/4 SINGLE BOOTH, 42" BACK, UNFINISHED, BACK: FABRIC: TOSCA - ILLY COLOR: "FLOWER PRINT" SEAT FABRIC: ETKON LUSANO VPH-LG-65, COLOR: "FALCON"	SCI	NOT USED
C7A	66 1/4 DOUBLE BOOTH, 42" BACK, UNFINISHED, BACK: FABRIC: TOSCA - ILLY COLOR: "FLOWER PRINT" SEAT FABRIC: ETKON LUSANO - VPH-LG-65, COLOR: "FALCON"	SCI	NOT USED
C8	66 1/4 SINGLE BOOTH, 42" BACK, UNFINISHED, TUFTED NO BUTTONS BACK: FABRIC: ETKON LUSANO VPH-LG-66, COLOR: "FALCON" SEAT FABRIC: ETKON LUSANO VPH-LG-65, COLOR: "FALCON"	SCI	4 (3 -LUP, 1 -RUF)
C8A	108" DIA CIRCULAR CORNER BOOTH, 44 1/4" SINGLE BOOTH, 42" BACK, UNFINISHED, TUFTED NO BUTTONS BACK: FABRIC: ETKON LUSANO - ROMANTIA COLOR: "FALCON" SEAT FABRIC: ETKON LUSANO COLOR: "FALCON"	SCI	NOT USED
C21	BANQUET BOOTH (FIELD VERIFY LENGTH) 42" BACK BACK FABRIC: ARCHITEX - OTTO COLOR: "SMUM" SEAT FABRIC: KB CONTACT - CHEYENNE COLOR: "FLINT"	SCI	
C28	BANQUET BOOTH (FIELD VERIFY LENGTH) 42" FINISHED BACK BACK FABRIC: ARCOCH - ELEVADO - ACHIEVE COLOR: "GOLDEN ROAD 16" SEAT FABRIC: ETKON LUSANO VPH-LG-65 COLOR: "GOLDEN OAK"	SCI	7
C29	SEATING BENCH (FIELD VERIFY LENGTH) SEAT: ETKON LUSANO VPH-LG-66 COLOR: "FALCON"	SCI	8
A1	EXTERIOR BENCH, 72" LONG SEATING BENCH VALLES STK BENCH SKU: 1800-1G-SBT-36	SYLVANIA CAL, LLC	8
A2	INTERIOR BENCH, 48" LONG SEATING BENCH CLARA STANDUP ASHTRAY GRY/BRN (NO-SMR)	SYLVANIA CAL, LLC	-

SEATING COUNT - P62 DOM

BANQUETTE/BOOTH SEATING			
4 TOPS:	36 (SEAT)	=	144 SEATS
6 TOPS:	3 (SEAT)	=	18 SEATS
TOTAL TOPS:	39 (SEAT)	=	162 SEATS

SEATING COUNT:

DINING	162
LOUNGE	78
BAR	26
TOTAL SEATING	266 (NO HDCP SEATS)

ARCHITECTS PROJECT Job # 1A0014

Issue Date: 10-18-21

REVISION
1/3/22 AGENCY REVISIONS
2/18/22 AGENCY REVISIONS
4/11/22 CLIENT REVISIONS

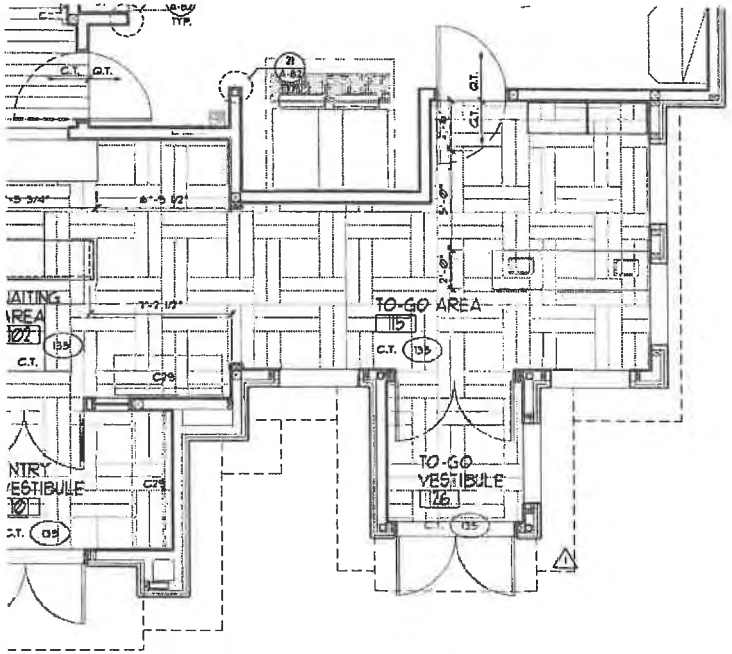
Restaurant #: 0480

OLIVE GARDEN P62DOM-R

10 SUBARU DRIVE
AUBURN
ME, 04210

Drawing
FURNISHINGS & FLOOR FINISH PLAN

A-1.2



LEGEND:

- 5 1/2" CONC. CURB - VERIFY SIZE W/ MILLWORK & BOOTH VENDOR (UNLESS OTHERWISE NOTED)
- MATT TILE MANUF/ MODEL: MATS INC. / CALYPSO COLOR/ NO: COL. 50 / N3083
- [C] COAT RACK TO BE PROVIDED BY OWNER VENDOR

GENERAL NOTES:

1. OUTDOOR BENCH FURNISHED BY OWNER INSTALLED BY G.C. - G.C. TO MOUNT TO SIDEWALK WITH APPROPRIATE BOLTS TYP. FOR 5 - SEE SITE PLAN FOR ADDITIONAL LOCATIONS
2. PROVIDE 3/4" TO 1" WOOD FILLERS AT ENDS OF BOOTH AT WALLS AS CRUMB CATCHERS
3. INSTALL BROWN BUMPERS ON THE ENDS OF THE TABLES THAT TOUCH THE WALL.
4. CAULK THE INSIDE OF THE BOOTH BASES TO THE FLOOR.
5. ALL TABLES TO HAVE RADIUS CORNERS
6. USE MASTIC WHEN INSTALLING THE STAINLESS STEEL BASE IN THE WALK-IN FREEZER AND COOLER
7. A SINGLE LAYER OF NOBLESEAL 15 TO BE APPLIED ALL AROUND THE BOTTOM INTERIOR EDGE OF THE FREEZER / COOLER 2" FROM THE WALL AND 6" UP THE WALL. (USE NOBLESEAL TS COMPOSITE MEMBRANE, NON-PLASTICIZED CHLORINATED POLYETHYLENE, NOMINAL THICKNESS OF 30 MILS, FLEXIBLE SYNTHETIC ELASTOMER WITH FABRIC LAMINATED ON BOTH SURFACES.
8. DIMENSIONS ON THE CONCRETE CURBS ARE SHOWN FROM FACE OF DENS-SHIELD

FURNISHINGS AND FLOOR FINISH PLAN

08 1/4"=1'-0"

	COLOR: "709 SAGE GREEN" SEAT FABRIC: EYKON LUGANO UMH-LG-06 COLOR: "FALCON"		
C18	69 1/4 SINGLE BOOTH, 42" BACK, UNFINISHED. BACK FABRIC: TIGER LILY COLOR: "FLOWER PRINT". SEAT FABRIC: EYKON LUGANO UMH-LG-06 COLOR: "FALCON"	WCI	NOT USED
C19	69 1/4 DOUBLE BOOTH, 42" BACK, UNFINISHED BACK FABRIC: TIGER LILY COLOR: "FLOWER PRINT" SEAT FABRIC: EYKON LUGANO - UMH-LG-06 COLOR: "FALCON"	WCI	NOT USED
C21D	69 1/4 SINGLE BOOTH, 42" BACK, UNFINISHED, TUFTED NO BUTTONS BACK FABRIC: EYKON LUGANO UMH-LG-06 COLOR: "FALCON", SEAT FABRIC: EYKON LUGANO UMH-LG-06 COLOR: "FALCON"	WCI	4 (2-LUF, 2-RUF)
C23A	90"X90" CIRCULAR CORNER BOOTH, 44 1/4" SINGLE BOOTH, 42" BACK, UNFINISHED TUFTED NO BUTTONS BACK FABRIC: EYKON LUGANO - MOMENTUM COLOR: "FALCON" SEAT FABRIC: EYKON LUGANO COLOR: "FALCON"	WCI	NOT USED
C27	BANQUET BOOTH (FIELD VERIFY LENGTH), 42" BACK BACK FABRIC: ARCHITEX - OTTO COLOR: "BRAUN" SEAT FABRIC: KB CONTACT - CHEYENNE COLOR: "RUST"	WCI	1
C28	BANQUET BOOTH (FIELD VERIFY LENGTH), 42" FINISHED BACK BACK FABRIC: ARC/COM - ELEVADO - AC626B5 COLOR: "GOLDEN ROAD 96." SEAT FABRIC: EYKON LUGANO UHM-LG-01 COLOR: "GOLDEN OAK"	WCI	1
C29	WAITING BENCH (FIELD VERIFY LENGTH) SEAT: EYKON LUGANO UMH-LG-06 COLOR: "FALCON"	WCI	5
A1	EXTERIOR BENCH, 72" LONG WAITING BENCH VALLEY STK BENCH RAL "9016 U340M-30	EMUAMERICAS, LLC	5
A2	INTERIOR BENCH, 48" LONG WAITING BENCH CLASH STANDUP ASHTRAY GRY/BRN LVCI-8019	EMUAMERICAS, LLC	*

SEATING COUNT - P62 DOM

PROPOSED DINING SEATING

4 TOPS:	36 (92%)	=	144 SEATS
6 TOPS:	3 (8%)	=	18 SEATS
TOTAL TOPS:	39 (100%)	=	162 SEATS

SEATING COUNT:

DINING	162
LOUNGE	22
BAR	10
TOTAL	194 (10-HDCP SEATS)
WAITING	16

Issue Date: 10-18-21

REVISION

1 1/3/22 AGENCY REVISIONS

2 2/18/22 AGENCY REVISIONS

3 4/11/22 CLIENT REVISIONS

4

5

6

7

8

Restaurant #: 6480

OLIVE GARDEN
P62DOM-R

10 SUBARU DRIVE

AUBURN
ME, 04210

Drawing

FURNISHINGS & FLOOR FINISH PLAN

3

A-1.2

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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Olive Garden Holdings, LLC
2. Doing Business As, if any: The Olive Garden Italian Restaurant #6480
3. Date of filing with Secretary of State: 07/13/2015 State in which you are formed: FL
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 08/13/2021
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Lindsay L. Koren	8803 Abbey Leaf Ln, Orlando FL	01/16/1972	President/Mgr	0.0000
Colleen H. Lyons	11762 Aurelio Ln, Orlando, FL	06/22/1972	Secretary/Mgr	0.0000
GMRI, Inc.	1000 Darden Center Dr, Orlando		Sole Member	100.0000

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

State of Maine
Division of Alcoholic Beverages and
Lottery Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for Business Entities Who Are Licensees

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: GMRI, Inc.

2. Doing Business As, if any: _____

3. Legal Entity's FEIN #: 59-1219168

4. Date of filing with Secretary of State: 03/27/1968 State in which you are formed: FL

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 04/22/1991

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Angela M. Simmons	8111 Hoboh Lane Clermont, FL 34714	08/16/1977	President	0
Lindsay L. Koren	8803 Abbey Leaf Lane Orlando, FL 32827	01/16/1978	VP/Secretary	0
Colleen H. Lyons	11762 Aurelio Lane Orlando, FL 32827	06/22/1972	Asst Secretary	0
Darden Restaurants, Inc	1000 Darden Center Drive Orlando, FL 32837		Shareholder	100

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

7. If Co-Op # of members: _____ (list primary officers in the above boxes)

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☑

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

_____

Signature:

PLEASE SIGN IN BLUE INK

Lindsay L. Koren
Signature of Owner or Corporate Officer

3/16/23
Date

Lindsay L. Koren
Print Name of Owner or Corporate Officer

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
19 Union St., Augusta, ME 04330 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

State of Maine
Division of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for Business Entities Who Are Licensees

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: Darden Restaurants, Inc.

2. Doing Business As, if any: _____

3. Legal Entity's FEIN #: 59-3305930

4. Date of filing with Secretary of State: 03/30/1995 State in which you are formed: FL

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Darden Restaurants, Inc. is a publicly traded company on the NY				
stock exchange with no oneperson owning more than 10% of stock.				

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

7. If Co-Op # of members: _____ (list primary officers in the above boxes)

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☑

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

_____

Signature:

PLEASE SIGN IN BLUE INK

Lindsay L. Koren
Signature of Owner or Corporate Officer

3/16/23
Date

Lindsay L. Koren
Print Name of Owner or Corporate Officer

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
19 Union St., Augusta, ME 04330 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

State of Florida

Department of State

I certify from the records of this office that OLIVE GARDEN HOLDINGS, LLC, is a limited liability company organized under the laws of the State of Florida, filed on July 13, 2015.

The document number of this company is L15000116767.

I further certify that said company has paid all fees due this office through December 31, 2015, and its status is active.

Authentication Code: 115A00014639-071415-L15000116767-1/1

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
Fourteenth day of July, 2015

Ken Detzner
Secretary of State

July 14, 2015

OLIVE GARDEN HOLDINGS, LLC
PO BOX 695011
ORLANDO, FL 32869-5011

The Articles of Organization for OLIVE GARDEN HOLDINGS, LLC were filed on July 13, 2015, and assigned document number L15000116767. Please refer to this number whenever corresponding with this office.

The certification you requested is enclosed. To be official, the certification for a certified copy must be attached to the original document number that was electronically submitted and filed under FAX audit number H15000170618.

To maintain "active" status with the Division of Corporations, an annual report must be filed yearly between January 1st and May 1st beginning in the year following the file date or effective date indicated above. If the annual report is not filed by May 1st, a $400 late fee will be added. It is your responsibility to remember to file your annual report in a timely manner.

A Federal Employer Identification Number (FEI/EIN) will be required when this report is filed. Apply today with the IRS online at:

https://sa.www4.irs.gov/modiein/individual/index.jsp.

Please be aware if the limited liability company address changes, it is the responsibility of the limited liability to notify this office.

Should you have any questions regarding this matter, please contact this office at the address given below.

Jessica A Fason
Regulatory Specialist II
New Filing Section
Division of Corporations

Letter Number: 115A00014639

ARTICLES OF ORGANIZATION

Article I. Name
The name of this Florida limited liability company is:
Olive Garden Holdings, LLC

Article II. Address
The street address of the Company's initial principal office is:
Olive Garden Holdings, LLC
1000 Darden Center Drive
Orlando, FL 32837

The mailing address of the Company's initial principal office is:
Olive Garden Holdings, LLC
PO Box 695011
Orlando, FL 32869-5011

Article III. Registered Agent
The name and street address of the Company's registered agent is:

Corporate Creations Network Inc.
11380 Prosperity Farms Road #221E
Palm Beach Gardens, FL 33410

Article IV. Transferability of Membership Interests
No members shall have the right to assign their membership interests in the Company without the written agreement of all of the membership interests, unless otherwise provided in the Company's Operating Agreement. If the assignment is not approved by all of the membership interests, the assignee shall have no right to become a member, to participate in the management of the Company, or to exercise any other rights or powers of a member. The assignee shall merely be entitled to receive the share of profits and other distributions and the allocation of income, gain, loss deduction, credit or similar item to which the assignor was entitled, to the extent assigned.

Article V. Distribution of Profits
Unless otherwise provided in the Company's Operating Agreement, there shall not be any distribution of profits unless each separate distribution is approved by the affirmative vote of members who own more than 50% of the voting interest in the Company. The voting members shall have complete discretion on when and if to approve any distribution of profits.

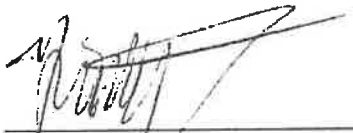
Article VI. Management
This will be a manager-managed company. The name and address of each manager is:

Colleen M. Hunter
1000 Darden Center Drive
Orlando, FL 32837

Joseph G. Kern
1000 Darden Center Drive
Orlando, FL 32837

Article VII. Company Existence
The Company's existence shall begin effective as of July 13, 2015.

The undersigned authorized representative of a member executed these Articles of Organization on 7/13/2015.



Corporate Creations International Inc.
Diana Serra, Vice President
By Tim Pratts as attorney-in-fact

STATEMENT OF REGISTERED AGENT

LIMITED LIABILITY COMPANY:
Olive Garden Holdings, LLC

REGISTERED AGENT/OFFICE:
Corporate Creations Network Inc.
11380 Prosperity Farms Road #221E
Palm Beach Gardens, FL 33410

I agree to act as registered agent to accept service of process for the company named above at the place designated in this Statement. I agree to comply with the provisions of all statutes relating to the proper and complete performance of the registered agent duties. I am familiar with and accept the obligations of the registered agent position.

Corporate Creations Network Inc.
Tim Pratts, Special Secretary
Date: July 13, 2015

FOREIGN
LIMITED LIABILITY COMPANY

STATE OF MAINE

STATEMENT OF FOREIGN QUALIFICATION TO CONDUCT ACTIVITIES

File No. 20220170FC Pages 4
Fee Paid $ 250
DCN 2212281600041 QUAL
----FILED----------
08/13/2021

Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Olive Garden Holdings, LLC
(Name of Limited Liability Company in Jurisdiction of Organization)

Pursuant to 31 MRSA §1622, the undersigned limited liability company executes and delivers the following Statement of Foreign Qualification:

FIRST: If the name of the limited liability company in the jurisdiction of organization does not contain one of the words or abbreviations required by 31 MRSA § 1508.1 ("limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c"), the proposed name to be used in this State in compliance with this requirement is: * (If not applicable, so indicate.)

N/A

SECOND: If the name of the limited liability company in the jurisdiction of organization is unavailable pursuant to 31 MRSA §1508, the **fictitious** name under which it seeks authority to conduct activities in the State of Maine is: (If not applicable, so indicate.)

N/A

☐ Form MLLC-5 accompanies this application. (See 31 MRSA § 1624.1)

THIRD: Date of formation: 07/13/2015 Jurisdiction where formed: Florida

Address of the principal office, wherever located:

1000 DARDEN CENTER DR, ORLANDO, FL 32837
(physical location - street (not P.O. Box), city, state and zip code)

(mailing address if different from above)

FOURTH: The foreign limited liability company is a foreign limited liability company as defined in 31 MRSA §1502.11.

FIFTH: The nature of the business or purpose(s) to be conducted or promoted in the State of Maine is:

Full service restaurant

SIXTH: The Registered Agent is a: (select **either** a Commercial or Noncommercial Registered Agent)

☑ Commercial Registered Agent CRA Public Number: P10221

Corporate Creations Network Inc.
(name of commercial registered agent)

☐ Noncommercial Registered Agent

(name of noncommercial registered agent)

(physical location, not P.O. Box – street, city, state and zip code)

(mailing address if different from above)

SEVENTH: Pursuant to 5 MRSA §105.2, the registered agent listed above has consented to serve as the registered agent for this limited liability company.

EIGHTH: The name and business, residence and mailing address of each manager (if any):

NAME	ADDRESS
COLLEEN HUNTER LYONS	1000 DARDEN CENTER DR, ORLANDO, FL 32837
LINDSAY L KOREN	1000 DARDEN CENTER DR, ORLANDO, FL 32837
GMRI, Inc.	1000 DARDEN CENTER DR, ORLANDO, FL 32837

☐ Names and addresses of additional managers are attached as Exhibit ____, and made a part hereof.

NINTH: The date on which the foreign limited liability company commenced or expects to commence conducting activities in the State of Maine is 08/11/2021.

TENTH: Check only if applicable

☐ This is a professional limited liability company qualified pursuant to 13 MRSA Chapter 22-A to provide the following professional services (see 13 MRSA, chapter 22-A for information on what constitutes professional services):

(type of professional services)

ELEVENTH: **(Check if applicable)**

☐ The foreign limited liability company is governed by an agreement that establishes or provides for the establishment of designated series having separate rights, powers or duties with respect to specified property or obligations of the foreign limited liability company or profits and losses associated with specified property or obligations. Additional information required pursuant to MRSA 31 §1622.2.J are attached hereto as Exhibit _____, and made a part hereof.

TWELFTH: This statement of qualification is accompanied by a certificate of existence or such other document that the Secretary of State determines to be suitable for purposes of proving the valid existence of the foreign limited liability company under the law of the State or other jurisdiction listed in item Third. The certificate or other document must not have been issued more than 90 days before the delivery of this statement to the office of the Secretary of State.

Dated 08/21/2021

Erin Seville
(Authorized Signature**)

Erin Seville, Special Secretary of GMRI, Inc., Member
(Type or print name and capacity)

*The limited liability company name as used in the State of Maine must contain one of the following: "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c" – see 31 MRSA 1508). If the limited liability company's name in its jurisdiction of organization complies with 31 MRSA § 1508 with the addition of these words, then no fictitious name filing is required pursuant to 31 MRSA §§ 1622.2.A and 1624.1.

Statement **MUST be signed by at least one **authorized person** (31 MRSA §1676.1B).

The execution of this statement constitutes an oath or affirmation under the penalties of false swearing under 17-A MRSA §453.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State
Division of Corporations, UCC and Commissions
101 State House Station
Augusta, ME 04333-0101
Telephone Inquiries: **(207) 624-7752** Email Inquiries: CEC.Corporations@Maine.gov

State of Florida
Department of State

I certify from the records of this office that OLIVE GARDEN HOLDINGS, LLC is a limited liability company organized under the laws of the State of Florida, filed on July 13, 2015.

The document number of this limited liability company is L15000116767.

I further certify that said limited liability company has paid all fees due this office through December 31, 2021, that its most recent annual report was filed on April 21, 2021, and that its status is active.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Eleventh day of August, 2021

Secretary of State

Tracking Number: 6343355744CU

To authenticate this certificate,visit the following site,enter this number, and then follow the instructions displayed.

https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication

STATE OF MAINE
MAINE REVENUE SERVICES
PO BOX 1060
AUGUSTA ME 04332-1060

Letter ID: L0000478344
Letter Date: March 03, 2023
TAXPAYER ASSISTANCE: (207) 624-9784
V/TTY 7-1-1

Sales and Use Tax
Account ID: 1006-4245

OLIVE GARDEN HOLDINGS, LLC
PO BOX 695019
ORLANDO FL 32869-5019

RETAILER CERTIFICATE

Enclosed is the Retailer Certificate for your Sales and Use Tax account. This certificate acknowledges that you are registered with Maine Revenue Services for the collection and remittance of sales and use tax.

A Retailer Certificate is issued to all retailers. This certificate verifies a retail location has a valid Maine Sales and Use Tax account and is authorized to collect and remit sales tax on behalf of the State of Maine. The certificate does not expire and must be available at the place of business for inspection.

PLEASE NOTE: This retailer's certificate may NOT be used to purchase tangible personal property or taxable services for resale tax exempt (in Maine). A resale certificate is a separate document. If you qualify to receive a resale certificate, one has been printed and mailed to you.

You can now access your account information as well as electronic copies of your certificates and letters on the Maine Tax Portal at revenue.maine.gov. If you have questions regarding this document, please call (207) 624-9693.

Retailer Certificate

This Certificate is issued to

OLIVE GARDEN HOLDINGS, LLC

THE OLIVE GARDEN ITALIAN RESTAURANT #6480

OLIVE GARDEN HOLDINGS, LLC
PO BOX 695019
ORLANDO FL 32869-5019

Account Number: 1006-4245
Date Effective: March 02, 2023
Filing Frequency: Monthly
Business Description: Restaurant

This certificate is issued under the provisions of 36 M.R.S. § 1754(B).

This certificate must be available for inspection by the State Tax Assessor, the Assessor's representatives and agents and authorized municipal officials. This retailer's certificate verifies that this retailer and this retail location hold a valid Maine sales tax account and is authorized to collect and remit the sales tax on behalf of the State of Maine. This certificate has no expiration date. If you cease to do business in Maine please return this certificate to Maine Revenue Services.

This certificate is non-transferable and must be returned to Maine Revenue Services when operations cease.

STATE OF MAINE
MAINE REVENUE SERVICES
PO BOX 1060
AUGUSTA ME 04332-1060

Letter ID: L0000511112
Letter Date: March 03, 2023
TAXPAYER ASSISTANCE: (207) 624-9784
V/TTY 7-1-1

Sales and Use Tax
Account ID: 1006-4245

OLIVE GARDEN HOLDINGS, LLC
PO BOX 695019
ORLANDO FL 32869-5019

RESALE CERTIFICATE

Enclosed is the Resale Certificate for your Sales and Use Tax account. This certificate allows you to make purchases for resale without paying sales tax on such purchases and must be provided to your vendor to support a claim that a purchase is exempt for resale.

DO NOT WRITE ON THIS ORIGINAL FORM

Retain this copy as an original in your files. Make copies of this original certificate, fill in the appropriate data and provide it to the vendors from whom you make purchases for resale.

This certificate is valid only for the period indicated on this certificate.

Prior to the expiration of this certificate, Maine Revenue Services will automatically renew and reissue a new resale certificate for the next period if:

- Your account is active; and
- You have reported $3000 or more in gross sales during the previous 12 months

You can now access your account information as well as electronic copies of your certificates and letters on the Maine Tax Portal at revenue.maine.gov.

If you cease doing business, this certificate is void and must be returned to Maine Revenue Services. Use of a resale certificate to make purchases not intended for resale is a criminal offense. If you have questions regarding this document, please call (207) 624-9693.

Resale Certificate

This Certificate is issued to

OLIVE GARDEN HOLDINGS, LLC

THE OLIVE GARDEN ITALIAN RESTAURANT #6480

OLIVE GARDEN HOLDINGS, LLC
10 SUBARU DR
AUBURN ME 04210-5769

Certificate Number: 7004474
Date Effective: March 02, 2023
Valid Through: December 31, 2027
Business Description: Restaurant

This is to certify that the above named business is authorized to purchase during the period indicated on this certificate: (1) tangible personal property to be resold in the form of tangible personal property, or (2) a taxable service to be resold as the same taxable service. **This certificate cannot be reassigned or transferred and can only be used by the above business or its authorized employees. This certificate is void if the business has ceased operating or if the certificate has been altered.**

I understand that if the items purchased for resale are not resold but are instead used by the purchaser for its own purpose, the purchaser will be held liable for Use Tax.

Purchase Description:

Presented to: (Insert name of seller) Date:

Presented By: (Purchaser) Date:

This certificate is non-transferable and must be returned to Maine Revenue Services when operations cease.

Go Paperless - Visit the Maine Tax Portal at revenue.maine.gov to file and pay today.

aL0016 | 1

DARDEN

Olive Garden ▪ LongHorn Steakhouse ▪ Cheddar's Scratch Kitchen ▪ Yard House ▪ The Capital Grille ▪ Seasons 52 ▪ Bahama Breeze ▪ Eddie V's

Lisa Scallion-Black
Legal Specialist, Licensing Dept.
Phone (407) 245-5211
Fax: (407) 241-5646
lscallionblack@darden.com

VIA UPS DELIVERY

March 03, 2023

Alcohol and Tobacco Tax and Trade Bureau
550 Main Street, Suite 8002
Cincinnati, OH 45202-5215
(800) 937-8864

RE: Alcohol Dealer Registration

Dear Sir or Madam:

Enclosed is the application for Alcohol Dealer Registration for **OLIVE GARDEN HOLDINGS, LLC** doing business as the restaurant listed below:

The Olive Garden Italian Restaurant #6480
10 Subaru Drive
Auburn, ME 04210

If you have any questions or require additional information, please call me at 407-245-5211.
Thank you for your assistance.

Sincerely,

LScallion-Black

Lisa Scallion-Black

Enclosures

OMB NO. 1513-0112

DEPARTMENT OF THE TREASURY
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU (TTB)

Alcohol Dealer Registration – For Use On and After July 1, 2008

(Please read instructions carefully before completing this form)

SECTION 1 – IDENTIFYING INFORMATION

Complete all fields in section 1 to correctly identify your business

NAME *(Last, First, Middle)* or CORPORATE NAME *(If Corporation)*	EMPLOYER IDENTIFICATION NUMBER *(See Instructions)*		
Olive Garden Holdings, LLC	47 - 4531614		
MAILING ADDRESS *(Street address or P.O. Box)*	CITY	STATE	ZIP CODE
P.O. Box 695016, ATTN: Licensing Department	Orlando	FL	32869-5016

SELECT BOX a, b, or c:

a. ☑ NEW BUSINESS

b. ☐ OUT OF BUSINESS

05/22/2023

DATE OF CHANGE, OR OF ENTRY INTO BUSINESS, OR OF TERMINATION OF BUSINESS (mm/dd/yyyy)

c. ☐ EXISTING BUSINESS WITH CHANGE IN: *(complete items below)*

- ☐ NAME / TRADE NAME
- ☐ ADDRESS / LOCATION
- ☐ BUSINESS CLASS
- ☐ PHONE
- ☐ OWNERSHIP INFO
- ☐ EMPLOYER IDENTIFICATION NUMBER

(OLD: -)

(NEW: -)

SECTION 2 – BUSINESS CLASS(ES) AND PREMISES LOCATIONS

Enter information below for each business location, using the appropriate class code

DEALER CLASS	SUBCLASS	CLASS CODE
RETAIL DEALER (Anyone who sells, or offers for sale, beverage alcohol products to any person other than a dealer. Examples are package stores, restaurants, bars, private clubs, fraternal organizations, grocery stores or supermarkets which sell such beverages.)	Liquors (Distilled Spirits, Wine or Beer)	11
	Beer Only	12
	Liquors (Distilled Spirits, Wine or Beer) – At Large*	15
	Beer Only – At Large*	16
WHOLESALE DEALER (Anyone who sells, or offers for sale, beverage alcohol products to another dealer. An IMPORTER must register as a wholesaler if he or she sells beverage alcohol products to other dealers.)	Liquors (Distilled Spirits, Wine, or Beer)	31
	Beer Only	32

* A retail dealer at large is one whose business requires him to move from place to place, such as a circus or carnival.

CLASS CODE	TRADE NAME	PREMISES ADDRESS STREET NUMBER AND NAME	CITY, STATE, ZIP CODE	TELEPHONE NUMBER
11	The Olive Garden Italian Restaurant #6480	10 Subaru Drive	Auburn, ME 04210	(207) 376-8149
				( )
				( )
				( )
				( )

Under penalties of perjury, I declare that the statements in this registration are true and correct to the best of my knowledge and belief, that this registration applies only to the specified business and location or, where the registration is for more than one location, it applies only to the businesses at the locations specified on the attached list.

SIGNATURE	TITLE	DATE
Lisa Scallion-Black	Lisa Scallion-Black, Agent/Olive Garden Holdings, LLC	3/3/23

SECTION 3 – OWNERSHIP INFORMATION

☐ INDIVIDUAL OWNER ☐ PARTNERSHIP ☐ CORPORATION ☑ LLC ☐ OTHER (Specify)

FULL NAME	RESIDENCE ADDRESS	POSITION
Lindsay Koren	8803 Abbey Leaf Lane Orlando, FL 32827	President/Mgr.
FULL NAME	RESIDENCE ADDRESS	POSITION
Colleen H. Lyons	11762 Aurelio Lane Orlando, FL 32827	Secretary/Treasurer/Mgr.
FULL NAME	RESIDENCE ADDRESS	POSITION
FULL NAME	RESIDENCE ADDRESS	POSITION
FULL NAME	RESIDENCE ADDRESS	POSITION

INSTRUCTIONS

GENERAL INSTRUCTIONS

This registration is for use on and after July 1, 2008. If you are engaged in one or more of the alcohol activities listed on this form, you are required to file this form before beginning business. If there is a change in your business, you need to report it on or before the next July 1 (see CHANGES IN OPERATIONS, below). You may file one registration to cover several locations or several types of activity operating under the same Employer Identification Number (EIN).

NOTE: The special (occupational) tax on producers and marketers of alcohol beverages was repealed by Section 11125 of Public Law 109-59, effective July 1, 2008. However, tax liability and the registration requirement for periods before that date remain. If you need to file a delinquent or amended registration for a period through June 30, 2008, please use TTB Form 5630.5a, Alcohol Special (Occupational) Tax Registration and Return – For Periods Ending On or Before June 30, 2008.

SIGNING YOUR REGISTRATION

This form must be signed by the individual owner, a partner, or, in the case of a corporation or LLC, an individual authorized to sign on behalf of the corporation or LLC.

SECTION 1 – IDENTIFYING INFORMATION

Complete Section 1, Identifying Information, as specified on the form. Your registration must contain a valid Employer Identification Number (EIN). The EIN is a unique number for business entities issued by the Internal Revenue Service (IRS). You must have an EIN whether you are an individual owner, partnership, corporation, LLC, or a government agency. If you do not have an EIN, contact the Internal Revenue Service immediately to obtain one. While TTB may assign a temporary identification number (beginning with XX) to allow initial processing of a return which lacks an EIN, do not delay submission of your registration pending receipt of your EIN. If you have not received a number by the time you file this return, write "number applied for" in the space for the number. Submit your EIN by separate correspondence after receipt from the IRS.

SECTION 2 – PREMISES LOCATIONS

Enter the requested information in Section 2 for each premises location even if this repeats the business information listed in Section 1. If you are reporting a change, enter the date of the change in the appropriate space in Section 1. If additional sheets are needed, make a copy of page 1 of this form or enter the requested information on a separate sheet of paper with your EIN and Company's name.

SECTION 3 – OWNERSHIP INFORMATION

Please complete the ownership information in Section 3. Supply the information specified for each individual owner, partner or responsible person. For a corporation, partnership or association, a responsible person is anyone with the power to control the management policies or buying or selling practices pertaining to alcohol. For a corporation, association, or similar organization, it also means any person owning 10 percent or more of the outstanding stock in the business.

CHANGES IN OPERATIONS

If there is a change of your company's name, trade name, address, premises location, telephone number, ownership information, type of business, or EIN, complete TTB F 5630.5d and submit it no later than the next July 1 after the change. Check the box, Existing Business with Change(s), complete all fields in Section 1, and complete Sections 2 and 3 as necessary to show any changes there. Upon going out of business, submit TTB F 5630.5d within 30 days, checking box b in Section 1. If you are still in business but there are no changes since your last registration, this form does not need to be submitted.

MAILING INSTRUCTIONS

Please sign and date this registration and mail it to:

Alcohol and Tobacco Tax and Trade Bureau
550 Main Street, Suite 8002
Cincinnati, OH 45202-5215.

CONTACT INFORMATION

For further assistance, contact TTB National Revenue Center at 1-800-937-8864 or 1-877-882-3277; or email to ttbtaxstamp@ttb.gov. Additional information is also available at our Web site, www.ttb.gov.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1995. This information is used to ensure compliance with Section 11125 of Public Law 109-59, and the Internal Revenue Laws of the United States.

The estimated average burden associated with this collection of information is .8 hour per respondent or record keeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to the Reports Management Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Box 12, Washington, DC 20005.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current, valid OMB control number.

TTBs for:
6484, 8392, 2212, 6488,
6482, 6475, 6457, 6480,
6474, 5658, 5650, 5654

Shipment Receipt

Transaction Date: 03 Mar 2023 **Tracking Number:** 1Z3468060294422237

① Address Information

Ship To:	Ship From:	Return Address:
Alcohol & Tobacco Tax& Tra 550 Main Street Suite 8002 CINCINNATI OH 452025215 Telephone:8009378864	DARDEN RSC Lisa Scallion-Black 1000 Darden Center Dr ORLANDO FL 32837 Telephone:4072455211 email:lscallionblack@darden.com	DARDEN RSC Lisa Scallion-Black 1000 Darden Center Dr ORLANDO FL 32837 Telephone:4072455211 email:lscallionblack@darden.com

② Package Information

	Weight	Dimensions / Packaging	Declared Value	Reference Numbers
1.	Letter (Letter billable)	UPS Letter		Reference #1 - 0026484 Reference # 2 - 0202212 Reference # 3 - 0026488

③ UPS Shipping Service and Shipping Options

Service: UPS 2nd Day Air

Delivered By: End of Day Tuesday, Mar 7, 2023

Shipping Fees Subtotal: 33.61 USD

Transportation 28.73 USD

Fuel Surcharge 4.88 USD

Additional Shipping Options

Quantum View Notify E-mail Notifications: No Charge

1 LScallionBlack@darden.com: Ship, Exception, Delivery

④ Payment Information

Bill Shipping Charges to: Shipper's Account 346806

Shipping Charges: 33.61 USD

A discount has been applied for this shipment.

Negotiated Charges: 13.55 USD

Subtotal Shipping Charges: 13.55 USD

Total Charges: 13.55 USD

Note: This document is not an invoice. Your final invoice may vary from the displayed reference rates.

* For delivery and guarantee information, see the UPS Service Guide ({0}). To speak to a customer service representative, call 1-800-PICK-UPS for domest services and 1-800-782-7892 for international services.

OPERATING AGREEMENT

OF

OLIVE GARDEN HOLDINGS, LLC

THIS OPERATING AGREEMENT (the "Agreement") of Olive Garden Holdings, LLC, a Florida limited liability company (the "Company") dated as of this 18th day of August, 2015, by Rare Hospitality International, Inc., a Georgia corporation, as the sole member of the Company (the "Member").

RECITAL

The Member has previously formed the Company as a limited liability company under the laws of the State of Florida and now desires to enter into a written agreement, in accordance with the provisions of Chapter 605 of the Florida Revised Limited Liability Company Act and any successor statute, as amended from time to time (the "Act"), governing the affairs of the Company and the conduct of its business.

ARTICLE 1
The Limited Liability Company

1.1 Formation. The Member has previously formed the Company as a limited liability company pursuant to the provisions of the Act. The Member hereby ratifies the prior execution of Articles of Organization described in Chapter 605, Section 0201 of the Act (the "Articles of Organization") by Diana Serra and Tim Pratts, each on behalf of Corporate Creations International Inc., and the filing of such Articles of Organization with the Secretary of State of the Florida Department of State in conformity with the Act.

1.2 Name. The name of the Company shall be "Olive Garden Holdings, LLC" and its business shall be carried on in such name with such variations and changes as the Board (as hereinafter defined) shall determine or deem necessary to comply with requirements of the jurisdictions in which the Company's operations are conducted.

1.3 Business Purpose; Powers. The Company is formed for the purpose of engaging in any lawful business, purpose or activity for which limited liability companies may be formed under the Act. The Company shall possess and may exercise all the powers and privileges granted by the Act or by any other law or by this Agreement, together with any powers incidental thereto, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business purposes or activities of the Company.

1.4 Registered Office and Agent. The location of the registered office of the Company shall be 11380 Prosperity Farms Road, 221E, Palm Beach Gardens, Florida 33410. The Company's registered agent at such address shall be Corporate Creations Network Inc.

1.5 Term. Subject to the provisions of Article 6 below, the Company shall have perpetual existence.

ARTICLE 2
The Member

2.1 The Member. The name and address of the Member and Common Interests held by the Member are as set forth on Schedule A hereto.

2.2 Actions by the Member; Meetings. The Member may approve a matter or take any action at a meeting or without a meeting by the written consent of the Member. Meetings of the Member may be called at any time by the Member.

2.3 Liability of the Member. All debts, obligations and liabilities of the Company, whether arising in contract, tort or otherwise, shall be solely the debts, obligations and liabilities of the Company, and the Member shall not be obligated personally for any such debt, obligation or liability of the Company solely by reason of being a member.

2.4 Power to Bind the Company. The Member (acting in its capacity as such) shall have the authority to bind the Company to any third party with respect to any matter.

2.5 Admission of Members. New Members shall be admitted only upon the approval of the Board. Upon the admission of any new Members, the Board shall update Schedule A to include the applicable information for each Member and all references to member herein shall be deemed to be a reference to all members taken as a whole. Each new Member shall execute a counterpart signature page to this Agreement agreeing to be bound by the terms hereby.

ARTICLE 3
The Board

3.1 Management By Board of Managers.

(a) Subject to such matters which are expressly reserved hereunder or under the Act to the Member for decision, the business and affairs of the Company shall be managed by a board of managers (the "Board"), which shall be responsible for policy setting, approving the overall direction of the Company and making all decisions affecting the business and affairs of the Company. The Board shall consist of one (1) to three (3) individuals (the "Managers"), the exact number of Managers to be determined from time to time by resolution of the Member. The initial Board shall consist of two (2) Managers, who shall be Joseph G. Kern and Colleen M. Hunter.

(b) Each Manager shall be elected by the Member and shall serve until his or her successor has been duly elected and qualified, or until his or her earlier removal, resignation, death or disability. The Member may remove any Manager from the Board or from any other capacity with the Company at any time, with or without cause. A Manager may resign at any time upon written notice to the Member.

(c) Any vacancy occurring on the Board as a result of the resignation, removal, death or disability of a Manager or an increase in the size of the Board shall be filled by a Manager appointed thereto by the Member. A Manager chosen to fill a vacancy resulting from the resignation, removal, death or disability of a Manager shall serve the unexpired term of his or her predecessor in office.

3.2 Action By the Board.

(a) Meetings of the Board may be called by any Manager upon twenty-four hours prior written notice to each Manager. The presence of a majority of the Managers then in office shall constitute a quorum at any meeting of the Board. All actions of the Board shall require the affirmative vote of a majority of the Managers then in office.

(b) Meetings of the Board may be conducted in person or by conference telephone facilities. Any action required or permitted to be taken at any meeting of the Board may be taken without a meeting if such number of Managers sufficient to approve such action pursuant to the terms of this Agreement consent thereto in writing. Notice of any meeting may be waived by any Manager.

3.3 Power to Bind Company. None of the Managers (acting in their capacity as such) shall have authority to bind the Company to any third party with respect to any matter unless the Board shall have approved such matter and authorized such Manager(s) to bind the Company with respect thereto.

3.4 Officers and Related Persons. The Board shall have the authority to appoint and terminate officers of the Company and retain and terminate employees, agents and consultants of the Company and to delegate such duties to any such officers, employees, agents and consultants as the Board deems appropriate, including the power, acting individually or jointly, to represent and bind the Company in all matters, in accordance with the scope of their respective duties. The following persons shall serve as the initial officers of the Company until their respective resignation or removal or until their respective successors are duly elected and qualified:

Joseph G. Kern – President
Colleen M. Hunter – Secretary and Treasurer

ARTICLE 4
Capital Structure and Contributions

4.1 Capital Structure. The capital structure of the Company shall consist of one class of common membership interests (the "Common Interests"). All Common Interests shall be identical with each other in every respect. The Member shall own all of the Common Interests issued and outstanding.

4.2 Capital Contributions. From time to time, the Board may determine that the Company requires capital and may request the Member to make capital contribution(s) in an amount determined by the Board. A capital account shall be maintained for the Member, to which contributions and profits shall be credited and against which distributions and losses shall be charged.

ARTICLE 5
Profits, Losses and Distributions

5.1 Profits and Losses. For financial accounting and tax purposes, the Company's net profits or net losses shall be determined on an annual basis in accordance with the manner determined by the Board. In each year, profits and losses shall be allocated entirely to the Member, provided if there is more than one member of the Company, profits and losses shall be allocated to such members in accordance with each member's pro rata ownership of the outstanding Common Interests.

5.2 Distributions. The Board shall determine profits available for distribution and the amount, if any, to be distributed to the Member, and shall authorize and distribute on the Common Interests, the determined amount when, as and if declared by the Board. The distributions of the Company shall be allocated entirely to the Member, provided if there is more than one member of the Company, distributions shall be allocated to such members in accordance with each member's pro rata ownership of the outstanding Common Interests.

ARTICLE 6
Events of Dissolution

The Company shall be dissolved and its affairs wound up upon the occurrence of any of the following events (each, an "Event of Dissolution"):

(a) The Member votes for dissolution;

(b) A judicial dissolution of the Company in accordance with the Act; or

(c) The filing of a statement of administrative dissolution by the Florida Department of State pursuant to the Act.

No other event, including, without limitation, the death, retirement, resignation, expulsion, bankruptcy or dissolution of the Member, shall cause the dissolution of the Company; provided, however, that in the event of any occurrence resulting in the termination of the continued membership of the last remaining member of the Company, the Company shall be dissolved unless, within 90 days following such event, the legal representative or successor of the last remaining member agrees in writing to continue the Company and to the admission of such legal representative or successor (or any other person or entity designated by such legal representative or successor) as a member of the Company, effective upon the event resulting in the termination of the continued membership of the last remaining member of the Company.

ARTICLE 7
Transfer of Interests in the Company

The Member may sell, assign, transfer, convey, gift, exchange, pledge, hypothecate or otherwise dispose of ("Transfer") any or all of its Common Interests to any person or entity; provided, however, that such person or entity to whom such Common Interests are Transferred shall be an assignee and shall have no right to participate in the Company's business and affairs unless and until such person or entity shall be admitted as a member of the Company upon (i) the prior written approval by the Board pursuant to Section 2.5 of this Agreement and (ii) receipt by the Company of a written agreement executed by the person or entity to whom such Common Interests are Transferred agreeing to be bound by the terms of this Agreement.

ARTICLE 8
Exculpation and Indemnification

8.1 Exculpation. Except as otherwise provided in the Act, and notwithstanding any other provisions of this Agreement, whether express or implied, or any obligation or duty at law or in equity, neither the Member nor the Managers, nor any of their respective officers, directors, stockholders, partners, members, managers, employees, affiliates, representatives or agents, nor any officer, employee, representative or agent of the Company (individually, a "Covered Person" and, collectively, the "Covered

Persons") shall be liable to the Company or any other person for any act or omission (in relation to the Company, its property or the conduct of its business or affairs, this Agreement, any related document or any transaction contemplated hereby or thereby) taken or omitted by a Covered Person in good faith in the reasonable belief that such act or omission is in or is not contrary to the best interests of the Company and is within the scope of authority granted to such Covered Person by this Agreement, provided such act or omission does not constitute fraud, willful misconduct or gross negligence.

8.2 Indemnification. To the fullest extent permitted by the Act, the Company shall indemnify and hold harmless each Covered Person from and against any and all losses, claims, demands, liabilities, expenses, judgments, fines, settlements and other amounts arising from any and all claims, demands, actions, suits or proceedings, civil, criminal, administrative or investigative ("Claims"), in which the Covered Person may be involved, or threatened to be involved, as a party or otherwise, by reason of the fact that he, she or it is a Covered Person or which relates to or arises out of the Company or its property, business or affairs. A Covered Person shall not be entitled to indemnification under this Section 8.2 with respect to (i) any Claim with respect to which such Covered Person has engaged in fraud, willful misconduct or gross negligence or (ii) any Claim initiated by such Covered Person unless such Claim (A) was brought to enforce such Covered Person's rights to indemnification hereunder or (B) was authorized or consented to by the Board. Expenses incurred in defending any Claim by (y) the Member or any Manager or any officer, director, stockholder, partner, member, manager, or affiliate of the Member or any Manager shall be paid by the Company and (z) any other Covered Person may be paid by the Company, but only upon the prior written approval of the Board in its sole and absolute discretion, upon such terms and conditions, if any, as the Board deems appropriate, in each case, in advance of the final disposition of such Claim upon receipt by the Company of an undertaking by or on behalf of such Covered Person to repay such amount if it shall be ultimately determined that such Covered Person is not entitled to be indemnified by the Company as authorized by this Section 8.2.

8.3 Amendments. Any repeal or modification of this Article 8 by the Member shall not adversely affect any rights of such Covered Person pursuant to this Article 8, including the right to indemnification and to the advancement of expenses of a Covered Person existing at the time of such repeal or modification with respect to any acts or omissions occurring prior to such repeal or modification.

ARTICLE 9
Miscellaneous

9.1 Tax Treatment. Unless otherwise determined by the Member, the Company shall be a corporation for U.S. federal income tax purposes (as well as for any analogous state or local tax purposes), and the Member and the Company shall timely make any and all necessary elections and filings for the Company to be treated as a corporation for U.S. federal income tax purposes (as well as for any analogous state or local tax purposes) effective on the date of the Company's formation.

9.2 Amendments. Amendments to this Agreement and to the Articles of Organization shall be effective only if approved in writing by the Member. An amendment shall become effective as of the date specified in the approval of the Member or if none is specified as of the date of such approval.

9.3 Severability. If any provision of this Agreement is held to be invalid or unenforceable for any reason, such provision shall be ineffective to the extent of such invalidity or unenforceability; provided, however, that the remaining provisions will continue in full force without being impaired or invalidated in any way unless such invalid or unenforceable provision or clause shall be

so significant as to materially affect the expectations of the Member regarding this Agreement. Otherwise, any invalid or unenforceable provision shall be replaced by the Member with a valid provision which most closely approximates the intent and economic effect of the invalid or unenforceable provision.

9.4 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida without regard to the principles of conflicts of laws thereof.

9.5 Limited Liability Company. The Member intends to form a limited liability company and does not intend to form a partnership under the laws of the State of Florida or any other laws.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned has duly executed this Agreement as of the day first above written.

RARE HOSPITALITY INTERNATIONAL, INC.

By: _____
Name: Colleen M. Hunter
Title: Assistant Secretary

SCHEDULE A

MEMBERS

Name	Address	Common Interests
Rare Hospitality International, Inc.	c/o Darden Restaurants, Inc. 1000 Darden Center Drive Orlando, Florida 32837	100%

IN WITNESS WHEREOF, the undersigned has duly executed this Agreement as of the day and year written below.

GMRI, INC.

By: _____

Name: William R. White, III
Title: President and Treasurer
Date: November 17, 2015

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on April 03, 2023 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for:

Olive Garden Holdings, LLC., DBA The Olive Garden Italian Restaurant – 10 Subaru Drive

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

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on April 03, 2023 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for:

Olive Garden Holdings, LLC., DBA: The Olive Garden Italian Restaurant #6400 – 10 Subaru Drive

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

ORDER 39-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Liquor License for Olive Garden Holdings, LLC., DBA/The Olive Garden Italian Restaurant #6480.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023

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

Subject: Annual Reports to Maine State Housing

Information: The City is required in accordance with the Certificate of Approval issued by the Maine State Housing Authority to provide them with an annual report for each of the Affordable Housing Districts and associated TIFs.

City Budgetary Impacts: None

Staff Recommended Action: Approve the Order as presented

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: The Order and the Reports

Annual Report for Tax Year April 1, 2022 – March 31, 2023
Affordable Housing Tax Increment Financing District
Submission Deadline of April 30, 2023

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
Printed name

Signature

03/23/2023
Date

Title: City Manager
Mailing address: 60 Court Street, Auburn ME 04210
Phone number: 207-333-6601
Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

Webster School

Date the municipal legislative body approved this Report (not the District):
April, 3, 2023

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *"Affordable" means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	28	0	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A

Annual Report for Tax Year April 1, 2022 – March 31, 2023
Affordable Housing Tax Increment Financing District
Submission Deadline of April 30, 2023

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
Printed name

Signature

03/23/2023
Date

Title: City Manager
Mailing address: 60 Court Street, Auburn ME 04210
Phone number: 207-333-6601
Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

477 Minot Ave

Date the municipal legislative body approved this Report (not the District):
April, 3, 2023

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *"Affordable" means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	36	0	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A

Annual Report for Tax Year April 1, 2022 – March 31, 2023
Affordable Housing Tax Increment Financing District
Submission Deadline of April 30, 2023

Municipality: City of Auburn

Municipal official submitting this report:

Phillip L. Crowell
Printed name

Signature

03/23/2023
Date

Title: City Manager
Mailing address: 60 Court Street, Auburn ME 04210
Phone number: 207-333-6601
Email address: pcrowell@auburnmaine.gov

Name of Affordable Housing Development District:

48 Hampshire Street

Date the municipal legislative body approved this Report (not the District):
April, 3, 2023

In submitting this report, the legislative body of the municipality certifies that the public purpose of the affordable housing district is being met and that the required housing affordability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained.

Status of affordable housing within the District: *"Affordable" means for households earning no more than 120% area median income.*

Type of housing unit	# of Existing affordable units	# of Existing market units	# of Planned affordable units	# of Planned market units
Rental (family)	42	11	0	0
Rental (senior)	0	0	0	0
Owned home/condo	0	0	0	0

Please list property sales within the District (NOTE: impact on affordability is not required by the statute for this item and in any event would be captured in the chart above):

N/A

Please describe any changes from what was described in the approved Development Program for the District, such as changes to the type, scope or timing of development within the District. If the Development Program and Certificate of Approval for the District allow alternative uses of funds, please list how funds are being used in practice.

N/A

ORDER 40-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Annual Reports to the Maine State Housing Authority for Tax Year April 1, 2022 – March 31, 2023, and authorizes the City Manager to sign the annual reports for Affordable Housing Tax Increment Financing Districts, #16 (Webster School), #21 (477 Minot Ave) and #22 (48 Hampshire Street), as provided by Business and Community Development Staff.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 04/03/2023 **Order:** 41-04032023

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the Teamsters Local Union 340 covering 07/01/2023 to 06/30/2026

Information: The Collective Bargaining Agreement between the City of Auburn and Teamsters Local Union 340 includes market adjustments for FY 23.

The following is a summary of the changes:

- FY 24 Market rate adjustments
- FY 25 4% Cola
- FY 26 4 % Cola
- Cell Phone stipend of $25
- Two weeks of matching paid parental leave
- Juneteenth as paid holiday

City Budgetary Impacts:
Fiscal Year 24

Staff Recommended Action: Staff recommends the City Council vote for passage of this Resolve.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 41-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the Teamsters Union Local 340 (Highway), effective 07/01/2023.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 04/03/2023 **Order:** 42-04032023

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the Teamsters 340 Union for Mechanics covering 07/01/2023 to 06/30/2026

Information: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the Teamsters Local Union 340 for Mechanics, covering 07/01/2023 to 06/30/2026

The following is a summary of the changes:

- FY 24 Market Adjustment
- FY 25 4% Cola
- FY 26 4 % Cola
- Two weeks matching paid parental leave
- Additional 10 hour floater in lieu of Juneteenth

City Budgetary Impacts:

FY 24 includes budget impact

Staff Recommended Action: Staff recommends the City Council vote for passage of this Resolve.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 42-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the Teamsters Union Mechanics Local 340 , effective 07/01/2023.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023 **Order:** 43-04032023

Author: Jennifer Boenig, Downtown Coordinator

Subject: Approving the Mass Gathering for Auburn Lobster Festival event

---

Information: The Auburn Lobster Festival is scheduled for Saturday, May 6, 2023 from 1:00-7:00 PM. The event will be held in Festival Plaza and on Main Street which will be closed with public works trucks and barricades. This free community event will feature live music, craft brews, food trucks and more to help support our state's lobster industry.

A mass gathering is defined by ordinance as any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for two or more hours.

City Budgetary Impacts: This event is budgeted through the Economic Development Department.

Staff Recommended Action: Hold the public hearing and motion to approve the mass gathering.

Previous Meetings and History: NA

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Application for Lobster Festival mass gathering
- Application for a License for an Incoporated Civic Organization
- Public Notice
- Order

Date received: _____

Date approved: _____

CITY OF AUBURN
SPECIAL EVENT/MASS GATHERING APPLICATION

Required for any special event on city property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

****

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 3.24.23

SPONSOR INFORMATION

Name of Sponsoring Organization: City of Auburn

Name of Contact Person for Event: Jennifer Boenig

Title of Contact Person: Downtown Coordinator

Mailing Address: 60 Court Street

Daytime Telephone: 207.333.6601 ext. 1132 Cell Phone: 207.576.5348

Email Address: jboenig@auburnmaine.gov

Contact Name and Cell Phone Number DURING the Event: Jennifer Boenig 207.576.5348

Is your organization incorporated as a non-profit organization? Yes ☐ No ☑

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: Auburn Lobster Festival

Type of Event (walk, festival, concert, etc.): festival with live music

Date of Event: Saturday, May 6, 2023 Rain Date: NA

Times of Event: Start Time including set-up: 7 AM Ending time including clean up: 11 P

Actual Event Start Time: 1 PM Actual Event End Time: 7 PM

Estimated Attendance: 2,500

Location of Event: Festival Plaza and Main Street

Have you held an event at this location within the last 12 months? Yes ☑ No ☐

If the location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved?

Yes ☐ No ☑ Pending ☐ Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Not permitted	**CROSS-STREET BANNERS** Please note that the city no longer allows cross-street banners.			
Separate fee and permit possible	**FOOD** – Will food or beverages be sold? If yes, list what types of food or beverages: 4 food trucks Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	☑	☐	☐
Separate fee and permit possible	**NON-FOOD ITEMS** – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: City swag given away Note - A peddler permit may be required and must be submitted 14 days prior to the event.	☑	☐	☐
N/A	**LIVE MUSIC** – Will there be any outdoor musical performances? If yes, please describe: Three musical acts will perform	☑	☐	☐
N/A	**SOUND AMPLIFICATION** – Will there be a microphone or speaker system to project sound?	☑	☐	☐
Separate fee and permit possible	**ALCOHOL** – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	☑	☐	☐
Separate fee and Permit required	**CARNIVAL** – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	☐	☑	☐
Separate fee and Permit required	**FIREWORKS** – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	☐	☑	☐
N/A	**PARADE** – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	☐	☑	☐
N/A	**RUN/WALK/CYCLE** – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route:	☐	☑	☐
Separate permit required	**BURN PERMIT** – Will there be any open flame such as a bonfire? If yes, describe activity: Note - A permit from the Fire Department is required.	☐	☑	☐

N/A	**TENT/CANOPY** – Will you be setting up a tent or canopy? If yes, list number and sizes: There will be EZ-Ups at the entry points and near the stage	☑	☐	☐
Separate fee and permit required	**ELECTRICAL POWER/EQUIPMENT** – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? Stage, sound, lighting equipment	☑	☐	☐
N/A	**ROAD/INTERSECTION CLOSURE** – Will any roads need to be closed to accommodate your event? If yes, please list: Main Street will be closed with hard barricades from Miller Street to Court Street.	☑	☐	☐
N/A	**MAP/DIAGRAM** – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	☑	☐	☐
N/A	**PARKING ACCOMODATIONS** – What will be the anticipated need for parking and what is your parking plan? City parking garage	☑	☐	☐
N/A	**TOILETS** – Please list amount at event and/or nearest location: 12 portable toilets on Main Street sidewalk	☑	☐	☐
N/A	**WASTE DISPOSAL** – Please list process and location: trash cans throughout the plaza, near portable toilets and food trucks	☑	☐	☐
N/A	**HAND WASHING FACILITIES** – Please list amount at event and/or nearest location: Portable toilets and hand sanitizer available at food/beer vendors and entry points	☑	☐	☐
N/A	**POTABLE WATER** – Please list amount at event and location: bottled water in pump house	☑	☐	☐
N/A	**FIRST AID FACILITIES** – Please list location at event: Fire rescue onsite and/or first aid kit	☑	☐	☐
$	**TOTAL FEE INCLUDED** – Checks payable to "City of Auburn"			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc., the city requires general liability insurance coverage. The **City of Auburn** is to be named as "additionally insured" for the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed on the Certificate of Insurance (minimum coverage $1,000,000 Bodily Injury or Death, per occurrence, and $300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

Auburn Lobster Festival is a free community event featuring live music, craft brews , food trucks, and more. This event is open to all ages and supports our state's lobster industry.

Signature of Applicant:	Printed Name:	Date Submitted:
Jennifer Boenig	Jennifer Boenig	3.24.23

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

******FOR STAFF USE******

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied:_____ Date applicant notified: _____

food truck
food truck
food truck
food truck
ID check
12 toilets on sidewalk
OP box
1
2
3
4
5
6
EZ up
Breweries/ Vendors in 1-6
Lobster Feed
Stage
EZ up
ID check
Alcohol Permitted

ORDER 43-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Mass Gathering permit for the May 6, 2023 Auburn Lobster Festival event sponsored by the City of Auburn. The event will be held in the Festival Plaza and Main Street area.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023 **Order:** 44-04032023

Author: Jennifer Boenig, Downtown Coordinator

Subject: Approving the temporary liquor license for an Incorporated Civic Organization for the Auburn Lobster Festival to be held on May 6, 2023. Public Hearing.

Information: The Auburn Lobster Festival is scheduled for Saturday, May 6, 2023 from 1:00-7:00 PM. The event will be held in Festival Plaza and on Main Street which will be closed with public works trucks and barricades. This free community event will feature live music, craft brews, food trucks and more to help support our state's lobster industry.

The City is applying for a Liquor License for an Incorporated Civic Organization to allow the sale of alcohol within the designated area of Festival Plaza and Main Street.

A Publc Hearing is not required per MRS Title 28-A Liquor § 1071. INCORPORATED CIVIC ORGANIZATIONS 4. Application G. Approval by the municipal officers of the municipality in which the proposed licensed premises are located, which, notwithstanding section 653, may be granted without notice or a public hearing.

City Budgetary Impacts: This event is budgeted through the Economic Development Department.

Staff Recommended Action: Hold the public hearing and motion to approve the liquor license.

Previous Meetings and History: NA

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Application for a License for an Incorporated Civic Organization.
- Public Notice
- Order

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for a License for an Incorporated Civic Organization

Section A: Applicant Information:

1. Legal Name of Applicant: City of Auburn
2. Contact Name for Applicant: Lt. Barry Schmieks
3. Mailing Address of Primary Office of Applicant: 60 Court St. Auburn, ME 04210
4. Contact Name Telephone/Mobile Number: 207.333.6650 X20616
5. Email Address of Contact: bschmieks@auburnmaine.gov

Section B: Event Information:

1. Title Event: Auburn Lobster Festival
2. Purpose of Event: free community event featuring live music, food, craft beer
3. Duration of Event (check one): ☑ One Day ☐ Multiple Days (only 1 permitted per year)
4. Type of Event: (check one) ☐ Indoor ☑ Outdoor
5. Town or City where Event will take place: Auburn
6. Complete Physical Address of Event: Festival Plaza, 112 Main Street and part of Main Street (see map)
7. Date of Event: 5.6.23 Time: From 1 PM To 7PM

Under Maine liquor laws, alcoholic beverages can **only** be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.

8. Number of Persons Attending: 2,500 (estimate)

9. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

See map

10. Will dancing be part of the event? Yes ☐ No ☑
    a. Does the venue have a dance license? Yes ☐ No ☐
    b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

Section C: Signature of Applicant

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

Please sign and date in blue ink.

Dated: _____

_____
Signature of Duly Authorized Person

_____
Printed Name of Duly Authorized Person

Section D: For use by Municipal Officers and County Commissioners only
Approval of an Application for a License for an Incorporated Civic Organization

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

Section E: Application Fee; Other Information

1. The license fee is $50.00 plus a $10.00 filing fee; make checks payable to Treasurer State of Maine.
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau's Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

Section F: Diagram for Outdoor Events

The following restrictions apply to outdoor events:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.

See map

For Division Use Only

Date Filed: _____

☐ Approved ☐ Not Approved

Date Approved: _____

Approved By: _____

License No:
Deposit Date:
Amt. Deposited:
Payment Type:

food truck
food truck
food truck
food truck
ID check
12 toilets on sidewalk
OP box
1
2
3
4
5
6
Breweries/ Vendors in 1-6
EZ up
EZ up
stage
Lobster Feed
ID check
Alcohol Permitted

ORDER 44-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the temporary liquor license for an Incorporated Civic Organization for the Auburn Lobster Festival to be held on May 6, 2023 in the Festival Plaza and Main Street area.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023 **Order:** 47-04032023

Author: Kelsey Earle, Deputy Finance Director

Subject: Acceptance consideration of gifted property- Riverside Drive

---

Information: The property owners of Riverside Drive (PID 184-030) approached the City with the offer of gifting the parcel as they had sold the adjoining parcel in 2021 and this portion was not acquired in that sale; the parcel had very little value to the new owners and no longer serves a purpose to the current owners without the adjoining property. City staff reviewed the parcel and determined that the potential for additional takeout and emergency access, and preservation of river views were favorable reasons to accept.

City Budgetary Impacts: None

Staff Recommended Action: Acceptance of the gifted property.

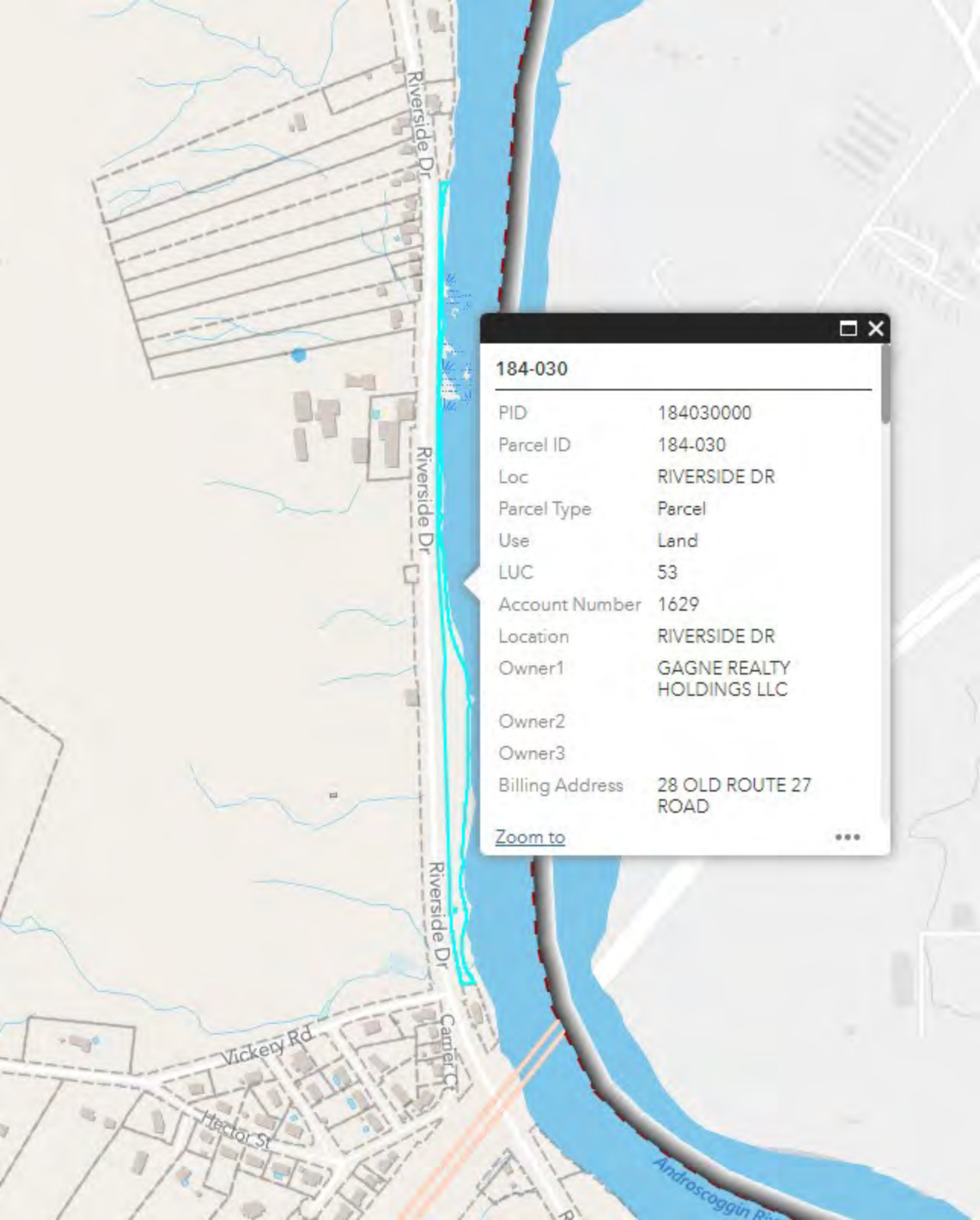
Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

·Parcel Map
·Parcel Record Card
·Quitclaim Deed



184-030

PID	184030000
Parcel ID	184-030
Loc	RIVERSIDE DR
Parcel Type	Parcel
Use	Land
LUC	53
Account Number	1629
Location	RIVERSIDE DR
Owner1	GAGNE REALTY HOLDINGS LLC
Owner2	
Owner3	
Billing Address	28 OLD ROUTE 27 ROAD

Zoom to

Unofficial Property Record Card - Melrose, MA

General Property Data

Parcel ID	184-030	**Account Number**	184030000
Prior Parcel ID			
Property Owner	GAGNE REALTY HOLDINGS LLC	**Property Location**	RIVERSIDE DR
		Property Use	AGRICULTURAL
Mailing Address	28 OLD ROUTE 27 ROAD	**Most Recent Sale Date**	12/30/2021
		Legal Reference	1100-16
City	BELGRADE	**Grantor**	GAGNE & SON HOLDING CO INC
Mailing State	ME **Zip** 04917-3708	**Sale Price**	0
ParcelZoning	N/A	**Land Area**	2.800 acres

Current Property Assessment

Card 1 Value	Building Value	Xtra Features Value	Land Value	Total Value
	0	0	3,400	3,400

Building Description

Building Style	N/A	**Foundation Type**	N/A	**Flooring Type**	N/A
# of Living Units	0	**Frame Type**	N/A	**Basement Floor**	N/A
Year Built	N/A	**Roof Structure**	N/A	**Heating Type**	N/A
Building Grade	N/A	**Roof Cover**	N/A	**Heating Fuel**	N/A
Building Condition	N/A	**Siding**	N/A	**Air Conditioning**	0%
Finished Area (SF)	0	**Interior Walls**	N/A	**# of Bsmt Garages**	0
Number Rooms	0	**# of Bedrooms**	0	**# of Full Baths**	0
# of 3/4 Baths	0	**# of 1/2 Baths**	0	**# of Other Fixtures**	0

Legal Description

NARROW LOT ON RIVER EDGE

Narrative Description of Property

This property contains 2.800 acres of land mainly classified as AGRICULTURAL with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with 0 commercial unit(s) and 0 residential unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

Property Images

SKETCH

IMAGE

Disclaimer: This information is believed to be correct but is subject to change and is not warranteed.

QUITCLAIM DEED WITH COVENANT
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that **GAGNE REALTY HOLDINGS, LLC**, a Maine limited liability company with a mailing address of 67 Old Route 27 Road, Belgrade, ME 04917 ("Grantor"), as a gift, grants to the **CITY OF AUBURN**, a municipal corporation existing under the laws of the State of Maine and located at 60 Court Street, Auburn, Maine 04210 ("Grantee"), its successors and assigns forever, with QUITCLAIM COVENANT, a certain parcel of land located in the City of Auburn, Androscoggin County, Maine, more particularly bounded and described as follows:

A certain lot or parcel of land located in the City of Auburn, County of Androscoggin and State of Maine, bounded and described as follows:

Beginning at a point on the Southeasterly line of the Riverside Drive, said point being the Northerly corner of land now or formerly owned by Albert and Lorette Belanger: thence (1) in a Northeasterly direction along the Southeasterly line of said Riverside Drive two hundred seventy-four feet (274') to PT Station 56+62.78 as shown on a plan of MSHC Federal Aid Project No. S-0150 and recorded in the Androscoggin County Registry of Deeds; thence (2) in a Northeasterly direction along said Riverside Drive one thousand five hundred seven and fifty-six hundredths feet (1,507.56') to PC Station 71+70.34; thence (3) in a Northeasterly direction along a curve in said Riverside Drive four hundred forty-nine and eleven hundredths (449.11') to PT Station 76+23.40; thence (4) in a Northeasterly direction along said Riverside Drive four hundred forty-one and three hundredths feet (441.03') to PC Station 80+64.43; thence (5) in a Northeasterly direction along a curve in said Riverside Drive two hundred forty-nine feet more or less (249'+) to land now or formerly owned by Albert and Alice Turgeon; thence (6) in a Southeasterly direction along land of said Turgeon twenty-eight feet more or less (28'+/-) to the Androscoggin River; thence (7) in a Southwesterly direction along said Androscoggin River two thousand nine hundred twenty-five

feet more or less (2,925'+/-) to land of said Belanger; thence (8) in a Southwesterly direction along land of said Belanger ninety feet more or less (90'+/-) to the point of beginning.

Being those same premises conveyed to Grantor by deed of Gagne & Son Holding Co., Inc. dated December 30, 2021 and recorded in the Androscoggin County Registry of Deeds in Book 11000, Page 16.

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS WHEREOF, Gagne Realty Holdings, LLC caused this deed to be signed by Albert P. Gagne, its Member, as duly authorized.

Dated: _____, 2023

GAGNE REALTY HOLDINGS, LLC

_____
By: Albert P. Gagne
Its: Member

STATE OF MAINE
CUMBERLAND, ss. _____, 2023

Personally appeared before me the above named Albert P. Gagne and acknowledged the foregoing to be his free act and deed in his said capacity as Member of Gagne Realty Holdings, LLC and the free act and deed of Gagne Realty Holdings, LLC.

Before me,

_____
Notary Public

_____
Print Name

ORDER 47-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Manager be, and hereby is, authorized to accept delivery on behalf of the City of the attached deed from Gagne Realty Holdings, LLC conveying, as a gift, real property approximately 2.8 acres in size located on the generally southeasterly side of Riverside Drive and currently shown as Assessor's Map 184, Lot 30; and

BE IT FURTHER ORDERED, that the City Manager be, and hereby is, authorized to execute any necessary paperwork reasonably incident to Gagne Realty Holdings, LLC's gift to the City.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 3, 2023 **Order#** 48-04032023

Author: Phil Crowell, City Manager

Subject: Drummond Street Park Naming Rights

Information: A request as been made by Tizz Crowley to name the Drummond Street Playground Park the "Edna Hadakin Crowley Mothers' Park" which will be commonly referred to as "Mothers' Park". To receive this naming right, the applicant will donate $10,000 to the City of Auburn for park improvements. $5,000 will be received upon approval of the naming and $1,000 will be paid annually for an additional five years. The naming will remain each year upon receiving $1,000 annually.

The applicant desires to unveil the naming and plans for the park improvements on Mother's Day, May 14, 2023.

The adopted policy for naming facilities and infrastructure is attached. The request is based on a monetary donation and not a permanent naming so the application form is not being used and a public hearing will not be required to consider other nominations. The naming rights agreement will be the document used.

City Budgetary Impacts: None. Any costs will be spent from the funds received.

Staff Recommended Action: Consider the request and if in agreement, direct the city manager to enter into a naming rights agreement with Tizz Crowley.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Naming of Facilities and Infrastructure Policy and Naming Rights Agreement

POLICY FOR NAMING OF FACILITIES AND INFRASTRUCTURE

Any naming or renaming of public places in Auburn should help to better define and build a sense of community, while also serving to honor the contributions of worthy individuals. The City of Auburn strives to have a process that serves these goals in a way that allows public participation.

The City Council will be the official naming body for all municipally owned facilities and infrastructure. The Council will make recommendations and work collaboratively with other governmental entities in the naming of facilities and infrastructure not solely owned by the City of Auburn.

Although the Council reserves the right to use whatever process they deem most appropriate for the circumstances, in general, the Council will use the following process.

Nominations will be accepted for names to any public facility, park, building, or infrastructure. Nominations should include the name and contact information from the person submitting the name as well as the reasons for their nomination.

The criteria for naming a city facility or infrastructure should reflect one or more of the following:

1. reflect City services provided in or at facility;

2. reflect geographical location;

3. reflect significant natural features; or

4. honor a significant individual (see below)

Criteria for naming a facility after an individual:

May be named after an individual living or dead;

a. made a unique contribution to the area being named;

b. substantially improved or contributed to the quality of life in Auburn;

c. gave significant civic contribution(s) to Auburn or the region;

d. brought recognition to Auburn for their achievements;

e. donated land or significant resources to the facility.

Once the nomination deadline has passed the Council will review all suggestions by using the above criteria. At its discretion, the Council may choose to appoint a subcommittee to review the nominations and forward their recommendation to the City Council.

The City Council shall hold a public hearing at a City Council meeting to solicit feedback on the final list of naming nominations. The Council will then take final action.

City of Auburn, Maine
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Naming Rights Agreement

This Naming Rights Agreement ("Agreement"), effective as of **MONTH DAY, YEAR** ("Effective Date"), is made and entered into by and between _____ (hereinafter, "Donor"), whose address is _____, and the City of Auburn, Maine (hereinafter the "City"), (each a "Party" and collectively, the "Parties").

RECITALS

WHEREAS, the City owns certain parcel of land (_____) located at _____, and commonly known as _____ (the "_____"); and

WHEREAS, the Parties desire to enter into a naming rights agreement pursuant to which the City will grant Donor temporary exclusive naming rights for the _____ referenced above in return for certain benefits set forth below.

NOW THEREFORE, in consideration of the following mutual promises, and all other good and valuable consideration, the receipt and adequacy of which are acknowledged, the Parties agree as follows:

AGREEMENT

1. Term. The Initial term of this Agreement shall be for _____ years, commencing on _____, and ending on _____, unless otherwise terminated earlier in accordance with the terms and conditions contained herein. The Parties by mutual written agreement may extend the term of this Agreement.

2. Naming Rights Fee. In consideration of the naming rights and ancillary benefits granted by the City hereunder, the Donor agrees to pay a naming rights fee in the amount of _____ ("$_____") dollars, in the manner and amounts set forth below ("Naming Rights Fee").

3. Naming Rights Payment Schedule. Donor has the option to pay the Naming Rights Fee to the City over a period of _____ (__) years. The initial payment of _____ ($_____) dollars shall be paid no later than _____, and then the _____ remaining payments shall be paid annually in accordance with the following schedule:

Naming Rights Fee Amount	Due Date
$	
$	
$	

$	
$	
Total: $	

Donor may accelerate the payment of any or all of these payments at any time, at Donors discretion, as long as the cumulative total of all payments meets the total amount of $_____ as agreed by the Parties. Payments shall be paid by Donor to the City via check or electronic funds transfer acceptable to Donor and the City.

4 Use of Payments. The payments shall be used exclusively for the _____ Development Project.

5 Acknowledgment. In consideration for the payment of the consideration and ancillary benefits granted hereunder, the City agrees to acknowledge Donors naming rights during the term of this Agreement by naming the _____. Subject to the terms of this Agreement, Donor naming rights will continue for the ten-year term of this Agreement. Any additional benefits or rights granted to Donor beyond those specified in this section must be mutually agreed to by the Parties and are subject to the payment of additional consideration in an amount agreed to by the Parties.

6. Promotion. During the term of this Agreement, the City, in consideration of the naming rights and benefits conferred hereunder, shall have the right, without charge, to photograph, use the names, likenesses, and images of Donors' _____ in photographic, audiovisual, digital or any other form of media (the "Media Materials") and to use, reproduce, distribute, exhibit, and publish the Media Materials in any manner, and in whole or in part, in City brochures, website postings, informational and marketing materials, and reports and publications.

7. Ownership. Donor acknowledges that the ownership of the park remains with the City.

8. Assignment. This Agreement and the rights and benefits hereunder may not be assigned by either Party without the prior written consent of the other Party, which consent shall be in the sole and absolute discretion of the non-assigning Party.

9. Notices. Any notice required or permitted to be given hereunder shall be deemed to be delivered, whether or not actually received, when deposited in the United States Postal Service, postage prepaid, registered or certified mail, return receipt requested, addressed to a Party, and the addresses set forth below:

Donor
Address
Address

City of Auburn
Attn: City Manager
60 Court St
Auburn, ME 04210

10 Termination of Naming. In addition to any rights and remedies available in law, the City may terminate this Agreement and all rights and benefits of Donor hereunder, including

termination of naming rights and affixation of the logoed plaques or signs upon the occurrence of the following:

a. In the event Donor fails to make any payment due under this Agreement; and such default is not cured within thirty ("30") calendar days following the date of written notice of default by the City; or

b. In the City's reasonable opinion, at any time during the term of this Agreement, Donor or the chosen name of the _____ have developed or acquired a negative connotation for any reason such that the reputation of the City is or might be at risk.

If termination is due to failure of payment, as of the effective date of termination, the City shall have no further obligation or liability to Donor and shall not be required to return any portion of the Naming Rights Payment already received; and the City may immediately cease to use or display the name. The City may in its sole and absolute discretion determine an alternative recognition for the portion of the payment already received.

If termination is due to a change in circumstances such that the City determines Donor or the _____ name have developed or acquired a negative connotation that may or does put the reputation of the _____ and/or the City at risk, Donor shall not be entitled to a refund of any portion of the payment made.

Should Donor decide to end affiliation with the City during the timeframe outlined in this agreement, Donor will be responsible for the payment to remove the name of the room.

11. Counterparts. This Agreement may be executed in two or more counterparts, which together shall constitute one and the same agreement among the parties.

13. Entire Agreement. This Agreement constitutes the entire agreement of the Parties with regard to the matters referenced herein, and supersedes all prior oral and written agreements, if any, of the Parties in respect hereto. This Agreement may not be modified or amended except by written agreement executed by both Parties hereto. The captions inserted in this Agreement are for convenience only and in no way define, limit, or otherwise describe the scope or intent of this Agreement, or any provision hereof, or in any way affect the interpretation of this Agreement.

14. Governing Law and Venue. This Agreement will be governed by and construed in accordance with the laws of the State of Maine and the City of Auburn, without regard to any conflict of law. Any legal proceeding brought in connection with disputes relating to or arising out of this Agreement shall be filed and heard in the courts of Androscoggin County.

IN WITNESS WHEREOF, this Agreement is executed by the Parties as of the day and year indicated above.

CITY OF AUBURN, ME

_____

City Manager

Donor

_____

ORDER 48-04032023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Manager be, and hereby is, authorized to enter into a naming rights agreement with Tizz Crowley to name the Drummond Street Playground Park the "Edna Hadakin Crowley Mothers' Park."

BE IT FURTHER ORDERED, that the City Manager be, and hereby is, authorized to accept delivery on behalf of the City a monetary donation of $5,000.00 upon approval of the naming and $1,000 annually for an additional five years. The naming will remain each year upon receiving $1,000 annually.

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

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

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

City Council Workshop & Meeting
Agenda
April 18, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council & Planning Board Joint Workshop

- Agriculture Resource Protection (AGRP) Income Ordinance and Residential Strips
- Public Comment

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 49-04182023*
Setting the date for the Special Municipal Referendum Election (June 13, 2023).

2. Order 54-04182023*
Authorizing Jason Levesque to vote the shares held by any shareholders for the Lewiston Auburn Railroad Company.

II. Minutes - April 3, 2023, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Communication from Lake Auburn Watershed Protection Commission
- Communication – City of Auburn Petition to Intervene
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda. If time allows, Public Comment from the workshop may carry forward during the Open Session and may advance to the first item of the agenda.*

V. Unfinished Business - None

VI. New Business

1. Order 50-04182023
Adopting the 5-Year Capital Improvement Plan (CIP).

2. Order 51-04182023
Allocating funds from the American Rescue Plan Act (ARPA) to establish the Auburn Victory Garden Program.

3. Order 52-04182023
Allocating funds from the American Rescue Plan Act (ARPA) to support establishing the Auburn Commercial Agriculture Incentive Program.

4. Ordinance 03-04182023
Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery. First reading.

5. Ordinance 04-04182023
Amending Chapter 60 of the City Ordinances, Sec. 60-2. Definitions, by adding the definition of conservation cemetery. First reading.

6. Order 53-04182023
Authorization of funds for East Auburn Tennis Courts.

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

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

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. Jill Eastman, Finance Director – March Final Finance Report

IX. **Executive Sessions**

a. Labor contract negotiations (Fire), pursuant to 1 M.R.S.A. §405(6)(D).
b. Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

X. **Adjournment**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 18, 2023 **Order:**

Author: Office of Planning and Permitting

Subject: Joint Workshop with Planning Board and City Council on Map Amendment to expand residential strips abutting the AGRP Zone and Text Amendment to eliminate the income standard.

Information:
On March 28, 2023, Auburn Planning Board held a public hearing on the text and map amendment City Council directs the Planning Board, after consultation with the Sustainability and Natural Resources Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and to report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the zoning ordinance to the City Council no later than March 20, 2023 (procedural amendment by City Council on March 6th, 2023, extended to 4.18.2023), on whether to eliminate the income standard and the current strip zoning limitations in all areas outside the Lake Auburn watershed overlay as an ordinance text amendment as shown on the attached proposed text changes. This item is pursuant to Article XVII Division 2 & 3.

Staff outlined four options, A-D, listed in the attached Staff Report. After conducting a public hearing, Planning Board is recommending that council not remove the income standard until such time as there is a reasonable alternative and informing the Council that they have a draft of an alternative and need an additional hearing in order to vet it publicly.

City Budgetary Impacts:

Staff Recommended Action:
Review the Planning Board's findings with Staff, Planning Board, and Legal Counsel to discuss, and provide staff with recommendations on how to move forward with a draft for Public Hearing.
Request City Council to provide key policy directives:

1.) Is it the intent to allow residential uses separate from AG Uses?
2.) Is it the intent to create new 10 acre lots to allow for additional residential homes?
3.) If suggested language is implemented Future Land Use Plan should be amended-Appoint Planning Board as Comprehensive Plan Amendment Committee?

Previous Meetings and History:

September 9, 2022—City Council passes Resolve 06-09062022.
October 11, 2022—Planning Board is introduced to Resolve 06-09062022.

November 7, 2022—City Council passes Order 151-11072022.
November 15, 2022—Planning Board holds first workshop to consider Resolve 06-09062022, and Order 151-11072022 Receive recommendation from SNRB.
December 5, 2022—City Council responds to questions submitted by SNRB.
December 13, 2022—Planning Board workshop to consider Resolve 06-09062022, and Order 151-11072022 and receive SNRB recommendation.
January 10, 2023—Planning Board workshop on Resolve 06-09062022, and Order 151-11072022 and decide conservation values and prioritization matrix for mapping and community survey.
February 14, 2023— Planning Board workshop on Resolve 06-09062022, and Order 151-11072022/ receive survey and mapping results.
March 6, 2023—City Council extends recommendation deadline to April 18, 2023
March 28, 2023—Public Hearing on text and map amendments
April 2, 2023—Planning Board delivers recommendation to Council
May 9, 2023—Tentative Workshop or Public Hearing to review draft replacement text amendment.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Planning Board motion/recommendation to City Council, 03/28/2023, 3/28/2023 staff report to PB, proposed text amendment eliminating income standard as introduced by E.Cyr and suggested by Planning Board, draft proposed text amendment eliminating income standard as suggested by Planning Board with staff and legal counsel edits(functional, not policy-based edits), Original CC Proposed Edits sent to PB to eliminate income standard in all but Lake Auburn Watershed, SNRB Memo to PB and CC regarding proposed 3/28/23 Draft Edits suggested by PB.

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on text amendment on whether to eliminate the income standard in the AGRP zone

Date: 04/03/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on March 28, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ TEXT AMENDMENT: The City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment as shown on the proposed text changes available at https://www.auburnmaine.gov/pages/government/planning-board-agendas and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Riley Bergeron makes a motion; Toni Ferraro seconds.

"I'd like to make a make a motion to not recommend the elimination of the income standard without a replacement standard that maintains a connection of housing and agricultural uses of which the draft version we've seen and we'd require one more public hearing to develop the new standard."

Evan Cyr clarifies Riley Bergeron's motion as:

Planning Board is recommending that they not remove the income standard until such time as there is a reasonable alternative and that we are telling them we have a draft of an alternative and need an additional hearing in order to vet it publicly.

Riley Bergeron accepts this clarification.

VOTE: 7-0-0 Motion passes.

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

To: Auburn Planning Board
From: Office of Planning and Permitting
Re: Public Hearing Map and Text Amendment on Resolve 06-09062022/ Order 151-11072022
Date: March 28, 2023

I. Proposal:

City Council directs the Planning Board, after consultation with the Sustainability and Natural Resources Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the zoning ordinance to the City Council no later than March 20, 2023 (procedural amendment by City Council on March 6th, 2023, extended to 4.18.2023), on whether to eliminate the income standard and the current strip zoning limitations in all areas outside the Lake Auburn watershed overlay as an ordinance text amendment as shown on the attached proposed text changes. Review results from survey, conservation values map, and continue discussion. This item is pursuant to Article XVII Division 2 & 3.

II. Planning Board Action

The purpose of this Public Hearing for the Map and Text Amendment is to hear from the public, summarize results of the workshops as directed by the Planning Board and to make a recommendation to the City Council on eliminating income standards (outside Lake Auburn Watershed) and/or the current strip zone limitations in all areas outside the Lake Auburn Watershed. The Board has a range of options in making these recommendations.

A. Recommend the elimination of the income standards without a replacement that connects housing to agricultural uses. Staff does not recommend this and the Planning board feedback to date has not supported this. This option would require an amendment to the Comprehensive Plan.
B. Recommend the elimination of the income standards with a replacement standard that maintains a connection of housing to agricultural uses. The Board could recommend a timeline of 6-12 months to develop the new standard. This option may not require amendment to the Comprehensive Plan depending on how it is structured.
C. Recommend removing strip zone limitations in RR and LDCR areas abutting AG zone outside the lake auburn watershed as shown on the map by expanding the residential portions of the lot to include the entirety of any lot that is partly RR and LDCR zoned currently. This option would uphold the income requirement in the remaining AGRP lands totaling approximately 14,735 acres but allow for more housing opportunity in 5,610 acres. This option may not require amendment to the Comprehensive Plan depending on how it is structured, but likely would require amendment.
D. Recommend that the proposed changes not be approved, but that a hybrid be considered as follows: This option combines elements of the elimination of the income standards and the limitations of residential strips. Recommend a zoning

text change eliminating the income standard outside the lake auburn watershed in AGRP zone in certain areas by changing the zoning to Residential. This could be accomplished by amending the specific portions of the zoning map from AGRP to a residential zoning designation (RR, LDCR, SR, T-4.2, etc.) based on city wide planning conservation and economic services valuation map and proximity to existing developed areas. This option would uphold the income requirement in the remaining AGRP zone and would necessitate a Comprehensive Plan and Future Land Use Plan (FLUP) change that can be facilitated within 8-12 months. This combines a modified version of the residential strip limitations map with the concept of growing outward from the core while creating significant new opportunity for housing and leaving much of the AGRP zone as it is. This option could be modified based on environmental constraints, economics, and public input during the next 8-12 months. Staff recommends this option over the other options noted above.

E. Background

On 01/10/2023, the Planning Board reviewed the matrix that staff developed to reflect conservation land values that was informed by conversation leading up to that meeting, including the opinion from the Sustainability and Natural Resource Management Board (SNRB). This matrix informed a survey which was disseminated as a tool to gain additional public feedback beyond public meetings. The survey is an opportunity to highlight for the public some of the reason for the current policies, identify the Comprehensive plan elements/ qualities of the land that people have deemed important and continue a discussion about balancing those priorities with private property rights. Some reasons for the AGRP zone designation conflict with each other; such as preserving land for future industrial growth, protecting prime soils for agriculture, and conservation of natural resources for the sake of their ecological value.
The conservation values map is a tool to identify the locations of natural resources and ecologically valuable land, like areas with significant habitat or significant farmland soils. The map also shows the locations of existing city services, housing densities, approximate locations for transportation projects, etc.

The map could be used, first, to determine which parts of the city could accept residential development. The densities of new residential development should be considered as part of these discussions. Second, the map could inform which areas to prioritize protection or conservation.

Schedule of meetings up to this point; and tentative schedule of future meetings:

September 9, 2022—City Council passes Resolve 06-09062022.
October 11, 2022—Planning Board is introduced to Resolve 06-09062022.
November 7, 2022—City Council passes Order 151-11072022.
November 15, 2022—Planning Board holds first workshop to consider Resolve 06-09062022, and Order 151-11072022. Receive recommendation from SNRB.
December 5, 2022—City Council responds to questions submitted by SNRB.
December 13, 2022—Planning Board workshop to consider Resolve 06-09062022, and Order 151-11072022 and receive SNRB recommendation.
January 10, 2023—Planning Board workshop on Resolve 06-09062022, and Order 151-11072022 and decide conservation values and prioritization matrix for mapping and community survey.
February 14, 2023— Planning Board workshop on Resolve 06-09062022, and Order 151-11072022/ receive survey and mapping results.
March 6, 2023—City Council extends recommendation deadline to April 18, 2023

March 28, 2023—Public Hearing on text and map amendments
May 9, 2023—Tentative Workshop or Public Hearing to review draft replacement text amendment.

Materials in 02/14/2023 packet:

1. 02/14/2023 Staff Report
2. PDF copy of the survey
3. City Council Proposed Text Amendment Re: New Homes in Lake Auburn Watershed (also in 11/15/2022 packet, 12/13/2022 packet and 01/10/2023 packet.)
4. City Council Proposed Text Amendment Re: Income Requirement (also in 11/15/2022, 12/13/2022 and 01/20/2023 packet)

Materials in the 01/10/2023 Packet, not included in the 02/14/2023 packet:

1. SNRB Recommendation
2. City Council Order 51-11072022 (also in 11/15/2022 packet and 12/13/2022 packet)
3. City Council Resolve 06-09062022 (also in 11/15/2022 packet and 12/13/2022 packet
4. 01/10/2023 Staff Report
5. Appendixes C-F

Materials in 12/13/2022 packet, not included in 01/10/2023 packet:

1. 12/13/2022 Staff Report

Materials from 11/15/2022 packet, not included in 12/13/2022 packet:

1. 11/15/2022 Staff Report 1_AG_StaffReport.pdf (auburnmaine.gov)
2. Future Land Use Plan, Food Access and Agriculture Economy Chapter (2021 Comprehensive Plan), Crossroads Recommendation; Ad Hoc Committee Report, 11/09/2021 Staff Report (Residential Strips), 11/15/2021 Information Sheet (Residential Strips), 11/15/2021 City Council Meeting Minutes, 1995 Comprehensive Plan Excerpt, Ordinance 16-11182019, 12/03/2021 City Council Information Sheet (Text Amendment/ Income Standard), 12/09/2022 City Council Special Meeting Minutes (Text Amendment/ Income Standard). (MergedDocsForWeb.pdf (auburnmaine.gov)

Available map layers:

1. SNRB Conservation Values Map (New) https://auburnme.maps.arcgis.com/apps/webappviewer/index.html?id=45f2a7c85add4b78838a06aae667011b
2. Link to AGRP Map https://arcg.is/1imbnm0
   a. Slopes > 25%
   b. Prime soils and soils of statewide significance
   c. Land cover
   d. Beginning with Habitat conserved lands
   e. Beginning with Habitat areas of high value
   f. Beginning with Habitat aquafers
   g. Lake Auburn watershed boundary
3. AGRP Development Potential Dashboard (last updated 5/24/2021) AG Zone Development Potential Dashboard | AG Zone - Maps and Documents (arcgis.com)
4. Map of current land use taxation program utilization https://arcg.is/1nuLDG

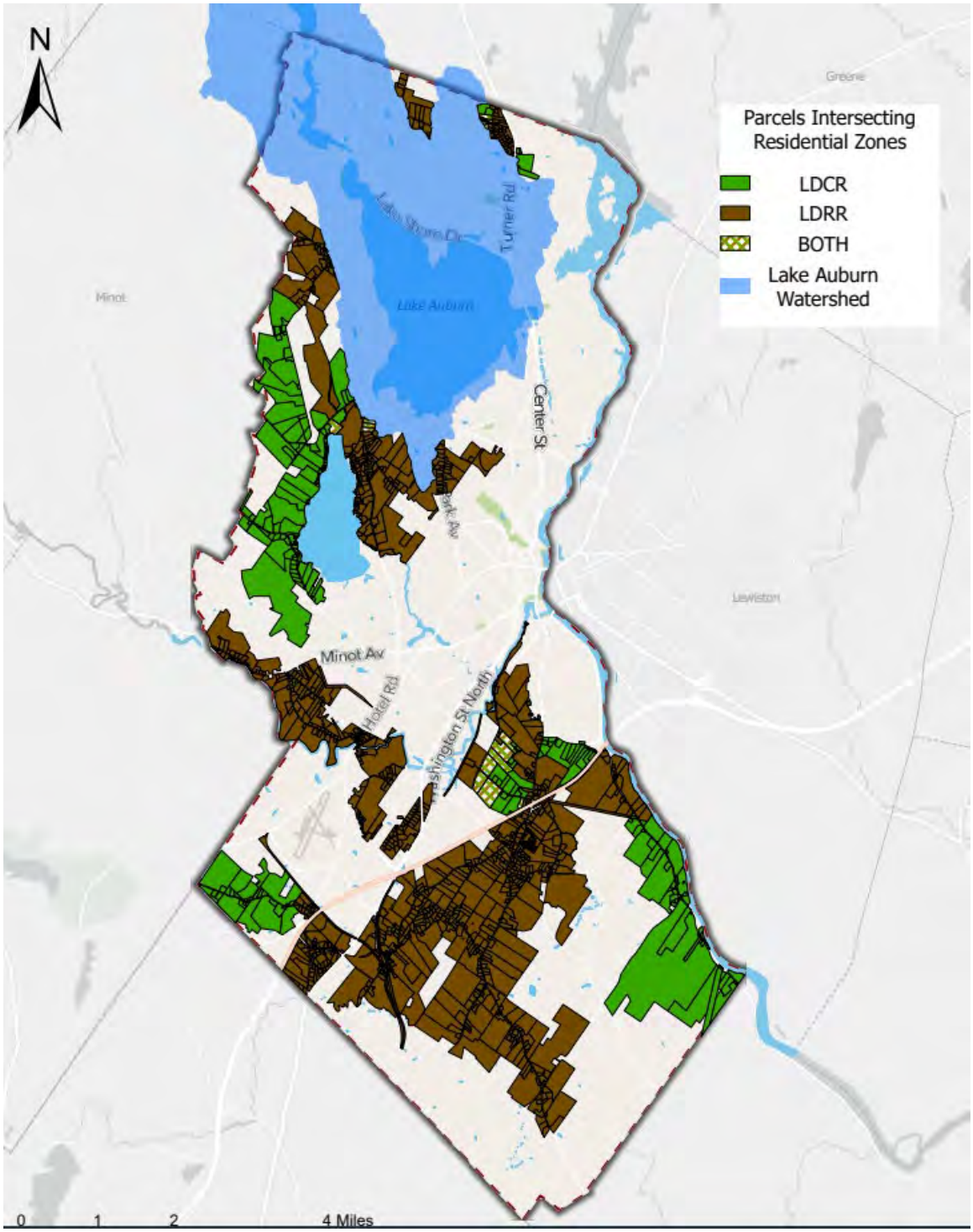
F. Staff Suggestion:

As listed above, the planning board could pursue one or more of the following options.

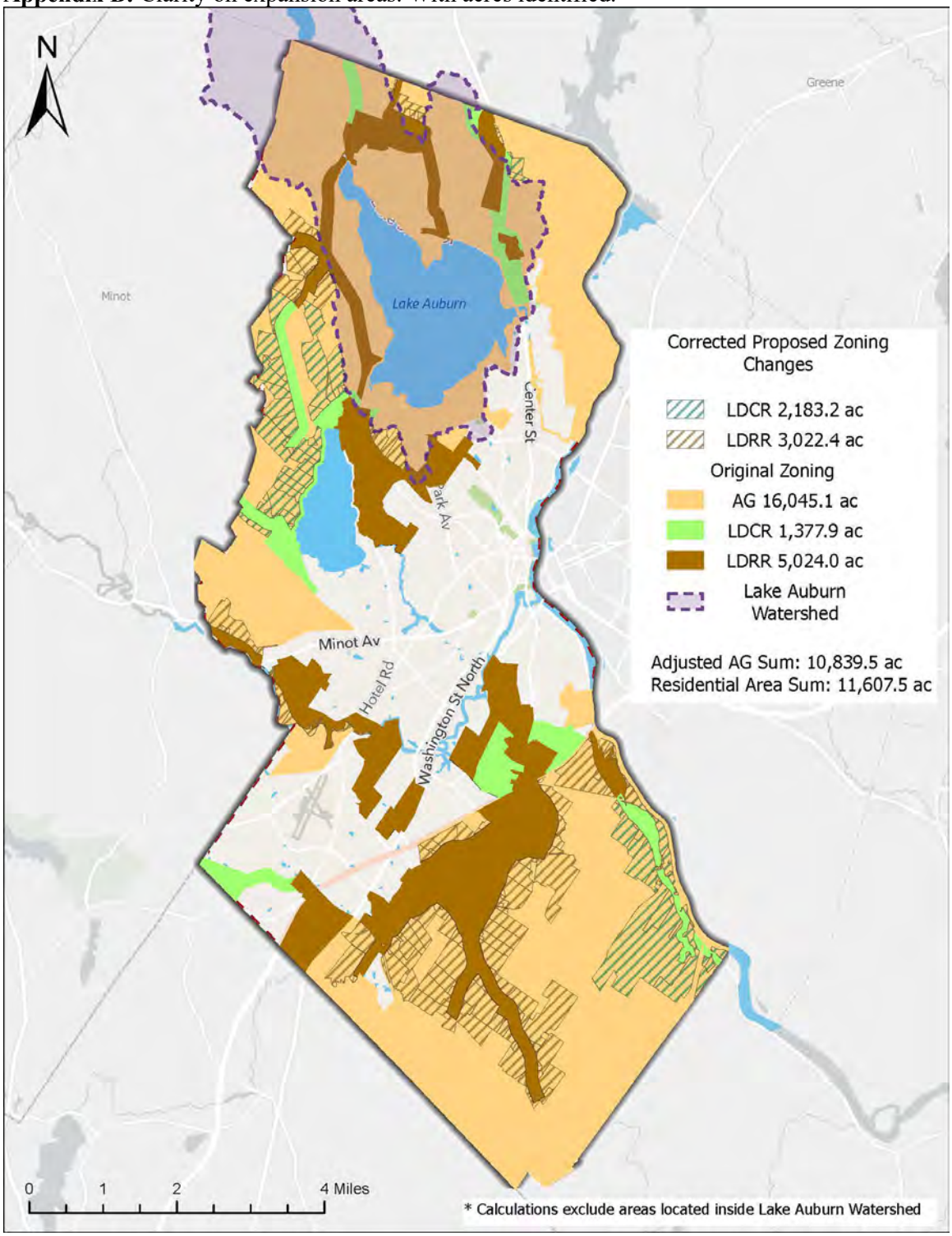
A. Recommend that the proposed changes not be approved, but that a hybrid be completed as follows: This option combines elements of the elimination of the income standards and the limitations of residential strips. Recommend a zoning text change eliminating the income standard outside the lake auburn watershed in AGRP zone in certain areas by changing the zoning to Residential. This could be accomplished by amending the specific portions of the zoning map from AGRP to a residential zoning designation (RR, LDCR, SR, T-4.2, etc.) based on city wide planning conservation and economic services valuation map and proximity to existing developed areas. This option would uphold the income requirement in the remaining AGRP zone and would necessitate a Comprehensive Plan and Future Land Use Plan (FLUP) change that can be facilitated within 8-12 months. This combines a modified version of the residential strip limitations map with the concept of growing outward from the core while creating significant new opportunity for housing and leaving much of the AGRP zone as it is. This option could be modified based on environmental constraints, economics, and public input during the next 8-12 months. Staff recommends this option over the other options noted above.

A. Appendixes

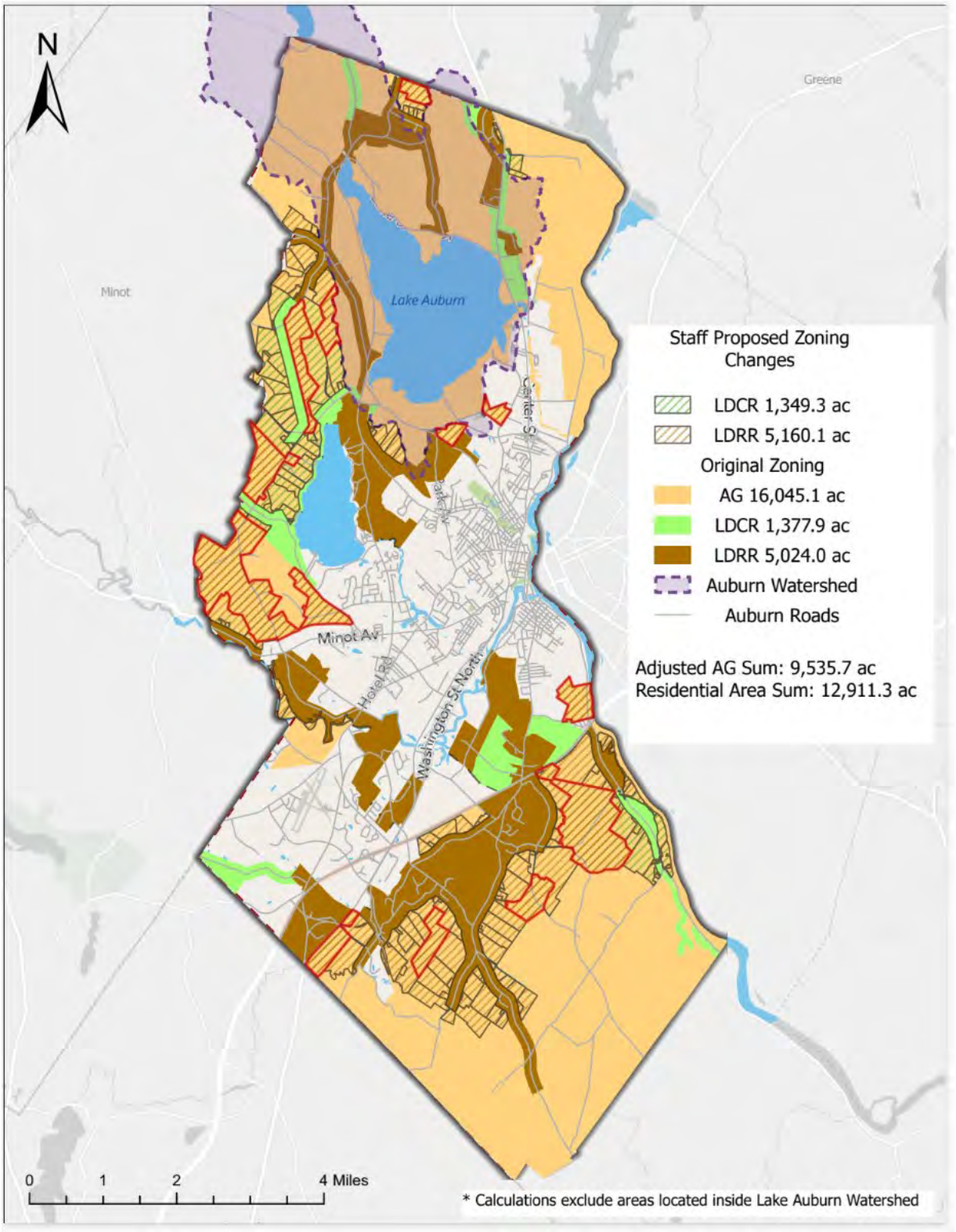
Appendix A: This map shows original public notice map submitted to residence on March 13, 2023



Appendix B: Clarity on expansion areas. With acres identified.



Appendix C: Staff Recommendation Map to include infill identified in red highlighted areas and cross hatched areas as compromise to the entirety of the AGRP Zone.



DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

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

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

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is ~~accessory to farming operations and~~ subject to the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data.~~

A building envelope comprising no more than 20% of the land coverage of the lot upon which the residential dwelling is to be constructed may be used for residential development. Residential development shall include, but is not limited to:

(i) Residential structures; and

(ii) Impervious surfaces accessory to residential use; and

(iii) Structures accessory to the residential use; and

(iv) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone; and

b. New residential dwellings shall:

(i) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the planning

DRAFT

department that non-prime farmland is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(ii) Avoid being sited on land determined to be essential habitat, as defined by the state department of inland fisheries and wildlife unless it can be demonstrated to the planning department that non-essential habitat is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(iii) Avoid being sited on land that is currently forested unless it can be demonstrated to the planning department that non-forested land is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(i) Avoid being sited on wetland; and

(ii) Avoid being sited on steep slopes; and

(v) Not be built within the boundaries of the Lake Auburn Watershed Overlay; and

(vi) Not be sited on any portion of a parcel that has:

a. Been enrolled within the State of Maine's Farmland Tax Program within any of the ten years prior to construction of a new residential dwelling; or

b. Been used to derive income through an agricultural use within any of the ten years prior to construction of a new residential dwelling; or

c. Been enrolled in the State of Maine Tree Growth Tax Program within any of the ten years prior to construction of a new residential dwelling; or

d. Been used to derive income through the use of a forestry plan or wood cutting operation within any of the ten years prior to construction of a new residential dwelling; and

~~b.~~ c. No certificate of occupancy shall be issued for any such residence until the ~~proposed agricultural use as shown on the plans and specifications~~ proof of that Sec. 60-145(a)(1)a has been met is presented to the municipal officer charged with enforcement; ~~are 75 percent completed~~ and

~~c.~~d. In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Chapter 60-145(a)(1)a.

~~d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

DRAFT

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.

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

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional

DRAFT

floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

DRAFT

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~

DRAFT

A building envelope comprising no more than 20% of the land coverage of the lot upon which the residential dwelling is to be constructed may be used for residential development. Residential development shall include, but is not limited to:

(i) Residential structures; and

(ii) Impervious surfaces accessory to residential use; and

(iii) Structures accessory to the residential use; and

(iv) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone; and

b. New residential dwellings shall:

(i) Avoid being sited on soils of state significance as well as prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the planning department that non-prime farmland is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(ii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine department of inland fisheries and wildlife unless it can be demonstrated to the planning department that non-essential habitat is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(iii) Avoid being sited on land that is currently forested unless it can be demonstrated to the planning department that non-forested land is not reasonably available within the buildable area defined in Sec. 60-146 of this chapter on the subject property; and

(i) Avoid being sited on wetland; and

(ii) Avoid being sited on steep slopes; and

(v) Not be built within the boundaries of the Lake Auburn Watershed Overlay; and

(vi) Not be sited on any portion of a parcel that has:

a. Been enrolled within the State of Maine's Farmland Tax Program within any of the ten years prior to construction of a new residential dwelling; or

b. Been used to derive income through an agricultural use within any of the ten years prior to construction of a new residential dwelling; or

c. Been enrolled in the State of Maine Tree Growth Tax Program within any of the ten years prior to construction of a new residential dwelling; or

d. Been used to derive income through the use of a forestry plan or wood cutting operation within any of the ten years prior to construction of a new residential dwelling; and

~~b.~~c. No certificate of occupancy shall be issued for any such residence until the ~~proposed agricultural use as shown on the plans and specifications~~ proof of that Sec. 60-145(a)(1)a has been met is presented to the municipal officer charged with enforcement; ~~are 75 percent completed~~ and

~~c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~

~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~

~~2. The parcel can reasonably accommodate the proposed farm.~~

DRAFT

~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~

~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~

~~5. The proposed residence shall be accessory to farming.~~

~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~

d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.

e. In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Chapter 60-145(b)(18)(a).

~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the

DRAFT

proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

DRAFT

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).

(2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed ~~an average of~~ one dwelling per lot ~~ten acres, unless approved pursuant to subsection (1) above.~~

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less~~.~~, and having a maximum depth of 30% of the average depth of the lot.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

DRAFT

Secs. 60-147—60-199. Reserved.

DRAFT

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

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

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Ssec.~~tion~~ 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than 6.1~~ten~~ acres, ~~provided that the dwelling is accessory to farming operations and~~ subject to the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data.~~

The one-family detached dwelling residential development shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. Residential development shall include, but is not limited to:

(i) Residential structures; and

(ii) Impervious surfaces accessory to the residential use; and

(iii) Structures accessory to the residential use; and

(iv) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not reasonably available within the buildable area, as defined in Sec. 60-146 of this chapter, on the subject property; and

DRAFT

(ii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not reasonably available within the buildable area, as defined in Sec. 60-146 of this chapter, on the subject property; and

(iii) Avoid being sited on wetland; and

(iv) Avoid being sited on slopes greater than 25%; and

(v) Not be built within the Lake Auburn Watershed Overlay District; and

(vi) Not be sited on any portion of a parcel that is:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program.

~~b.~~ c. No certificate of occupancy shall be issued for any such farm residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official~~er~~ charged with authority to issue the certificate of occupancy~~enforcement are 75 percent completed~~.

~~c.~~d. In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

~~d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

DRAFT

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Ssec.~~tion~~ 60-1501.

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

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

DRAFT

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

DRAFT

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall be limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of Ssec.~~tion~~ 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing ~~greater~~ less than 6.1 acres, ~~but less than ten acres, provided that the dwelling is accessory to farming operations and~~ subject to the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data.~~

The one-family detached dwelling residential development shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. Residential development shall include, but is not limited to:

(i) Residential structures; and

(ii) Impervious surfaces accessory to the residential use; and

(iii) Structures accessory to the residential use; and

(iv) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Planning Board that non-prime farmland is not reasonably available within the buildable area, as defined in Sec. 60-146 of this chapter, on the subject property; and

(ii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Planning Board that non-essential habitat is not reasonably available within the buildable area, as defined in Sec. 60-146 of this chapter, on the subject property; and

(iii) Avoid being sited on wetland; and

(iv) Avoid being sited on slopes greater than 25%; and

(v) Not be built within the Lake Auburn Watershed Overlay District; and

(vi) Not be sited on any portion of a parcel that is:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program.

~~b.~~ c. No certificate of occupancy shall be issued for any such farm residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the requirement of Sec. 60-145(b)(18)(a) has been met is presented to the municipal official~~er~~ charged with authority to issue the certificate of occupancy~~enforcement are 75 percent completed~~.

~~c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~

~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~

~~2. The parcel can reasonably accommodate the proposed farm.~~

~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~

~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~

~~5. The proposed residence shall be accessory to farming.~~

~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~

d. The parcel was existing as of October 1, 2017~~, contains more than five acres of land area~~, and otherwise meets the requirements of this chapter.

e. In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the~~

~~municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(b)(18)(a).

~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in S~~s~~ec.~~tion~~ 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

DRAFT

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No new lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or

other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing 6.1 or more acres if approved pursuant to Sec. 60-145(a)(1). A dwelling may be constructed on lots existing as of October 1, 2017 and containing less than ~~greater than~~ 6.1 acres ~~but less than ten acres,~~ if approved as a special exception pursuant to Sec.~~subsection~~ 60-145(b)(18). A dwelling may be constructed on new lots containing ten or more acres or lots existing as of October 1, 2017 and containing ten or more acres if approved pursuant to Sec. 60-145(a)(1).

(2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed ~~an average of~~ one dwelling unit per lot~~-ten acres, unless approved pursuant to subsection (1) above~~.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

DRAFT

DRAFT

PROPOSED TEXT AMENDMENT PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

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

(1) One-family detached dwellings except as prohibited by Section 60-952(b).~~, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:~~

~~a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~

~~b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.~~

~~c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~

~~d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.

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

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings~~, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter,~~

on parcels containing greater than 6.1, but less than ten acres, provided that ~~the dwelling is accessory to farming operations and subject to~~ the following restrictions are met:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and~~

~~b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and~~

~~c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~

~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~

~~2. The parcel can reasonably accommodate the proposed farm.~~

~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~

~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~

~~5. The proposed residence shall be accessory to farming.~~

a~~6~~. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

b~~d~~. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.

~~e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~

~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

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

(1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).

(2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

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

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

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

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

(b) New *Residential dwellings in the agriculture and resource protection zoning district* *are prohibited in the Lake Auburn Watershed*~~. Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), one-family detached dwellings are only permitted in the Lake Auburn Watershed District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.~~

SNRB memo on Cyr proposal to Planning Board.
Voted and approved by SNRB, April 13, 2023

Members of the SNRB have reviewed the proposal submitted by Evan Cyr at the Planning Board meeting on March 28. We appreciate the efforts that have gone into crafting this proposal, along with efforts on the part of Auburn Planning staff to begin developing proposals grounded in the SNRB recommendations to the Planning Board in December of 2022. We recognize these as continuing good faith efforts to advance this complex issue.

However, we are concerned about various aspects of the Cyr proposal that if adopted would not support the intentions of the Planning Board, which voted on March 28 to not recommend the elimination of the income standard without a replacement standard….to protect the zone for its stated purposes."[1] Numerous elements of the Cyr proposal allow for exceptions which undermine the intentions of both the Planning Board and the SNRB.

In particular:
1. The proposal allows building virtually anywhere on lots of 10 acres or more. Language in Sec. 60-145 (a)(i)(ii)(iii) allows for exceptions in siting a building envelope. Soils of state significance, essential habitat and forested land can all be built on if the owner claims there aren't alternatives.

Sec. 60-145 (b)(vi) restricts construction using criteria which will be very difficult to track.

Sec. 60-145 (b) (i),(ii),(III) allow siting exceptions provided that "it can be demonstrated to the planning department" that non-prime farmland, essential habitat or non-forested land is not "reasonably available", without establishing criteria with which the planning department can make a determination.

Sec. 60-146. Dimensional regulations. This is previously existing language, but in the absence of any limitation to agricultural buildings the implications differ significantly. The following are matters of particular concern:

1.The minimum lot size of 10 acres (or lots that existed as of 10/1/2017 and have at least 6.1 acres but less than 10 acres and has at least 250 ft. of frontage on a public or private street) creates the opportunity for a string of narrow lots along all current roadways in the AGRP zone.
2.Additionally, 2 acres of the lot can be completely cleared for the development envelope and the dwelling can be set as much as 30% into of the depth of the lot.
3.These standards would also enable the creation of subdivisions of large tracks of land using these lot standards.

[1] Exact language drawn from Youtube of Planning Board meeting: "not recommend the elimination of the income standard without a replacement standard that maintains a connection of housing and agriculture uses of which a draft version we have seen which would require one more public hearing to develop the new standard.to protect the zone for its stated purposes."

4.This could result in the creation of 250-foot-wide lots along roadways in the AGRP zone (spaghetti lots) with dwellings set deep into the lot with 2 acres of cleared building area, thus fragmenting open space, wildlife habitat, forestry, and farming land.

We also question what mechanisms exist in this proposal to prevent the building of multiple houses on a given lot.

Finally, the primary function of the zone in this proposal is residential, not agricultural or resource income and conservation. This directly contradicts the express purpose of the zone as stated in 60-144, "Purpose." The enumeration of use regulations should begin with the uses for which the zone is intended: agriculture, forestry, and the conservation of open space.

The SNRB has concerns that the proposal as submitted will lead to sprawl, stress on city services and higher taxes for all citizens and businesses in Auburn.

The SNRB recommends that the Planning Board take additional time, in collaboration with the planning staff and assessor's office, to develop an alternative that balances housing needs with the purpose of the AGRP. There are important questions to be answered to avoid any unintended consequences for Auburn's future.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 18, 2023 **Order:** 49-04182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the date, June 13, 2023, as the date for the Special Municipal Referendum Election for the new high school construction remediation.

Information: This is to set the date, June 13, 2023, as the date for the Special Municipal Referendum Election for the new high school construction remediation which will be held in conjunction with the School Budget Validation Referendum Election. Polls will be open from 7:00 AM until 8:00 PM.

There is a cost savings to hold this election at the same time as the School Budget Validation Referendum election. Council voted to approve the ballot questions at the 4/03/2023 Special Council meeting.

City Budgetary Impacts: There is a cost savings of approximately $5,000 by holding this election on the same date as the School Budget Validation Referendum Election.

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Council approved the ballot questions at the 4/03/2023 Council meeting.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 49-04182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the date, June 13, 2023, as the date to hold the Special Municipal Referendum Election for the new high school construction remediation which will be held in conjunction with the School Budget Validation Referendum Election. Polls will be open from 7:00 AM until 8:00 PM.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 18, 2023 **Order: 54-04182023***

Author: Alison F. Pepin, Deputy City Clerk

Subject: Authorizing Jason Levesque to vote the shares held by any shareholder for the Lewiston Auburn Railroad Company

---

Information: Pursuant to Article IV Sec. 2 and Article VI Sec. 4 of the Bylaws of the Lewiston and Auburn Roairoad Company and Auburn Directors of the LARC shall be elected by the Auburn City Council and only the municipal official designated by the municipal legislative body shall be authorized to vote the shares held by any Shareholder.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend Passage

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

*None

ORDER 54-04182023*

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council hereby authorizes Jason Levesque to vote the shares held by any shareholders for the Lewiston Auburn Railroad Company.

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

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

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

IN COUNCIL REGULAR MEETING APRIL 03, 2023, VOL. 37 PAGE 26

Mayor Levesque called the meeting to order at 7:02 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items

1. Order 36-04032023*
Setting the date for the School Budget Validation Referendum Election (June 13, 2023).

2. Order 45-04032023*
Approving the transfer of $1,600 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department.

3. Order 46-04032023*
Approving the transfer of $2,000 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the three consent items.

Passage 7-0.

II. Minutes - March 20, 2023, Regular Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the March 20, 2023 Regular Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Communication – Request for funds from David Chittim, President of the Androscoggin Historical Society
- Communication - LA Arts programming review and funding request
- Council Communications (about and to the community)

Councilor Walker reported that the Age Friendly Committee will be offering a free clothing giveaway at the Auburn Public Library on April 8th from 2-4 pm.

Councilor Gerry stated that a constituent would like to know how many people staff the 911 Center during the daytime and in the evenings.

Mayor Levesque announced that there will be a joint City Council and Planning Board workshop on Tuesday, April 18th to discuss the Agriculture Resource Protection Zone

and the Strip Zones. He reminded everyone about the upcoming Lobster Festival adding that the Auburn Exchange Club will be putting on the lobster feed.

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

V. **Unfinished Business**

1. **Order 33-03202023**
Approving $4,598,331 of additional costs for environmental remediation of the new high school project and authorizing general obligation bonds and a tax levy therefor. Public hearing and second reading.

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

Public hearing – No one from the public spoke.

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

VI. **New Business**

1. **Order 37-04032023**
Approving the question for a Municipal Referendum Election with respect to environmental remediation costs for the new high school construction project and general obligation bonds therefor.

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

Public comment – No one from the public spoke.

Passage 7-0.

2. **Order 38-04032023**
Authorizing the City Manager to execute the sale of St. Louis Church, 32 Dunn Street, Auburn, Maine.

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

Public comment – No one from the public spoke.

Passage 7-0.

3. **Order 39-04032023**
Approving the liquor license for the Olive Garden. Public hearing and vote.

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

Public hearing - Pawel Binczyk, Attorney representing the Olive Garden spoke. He stated that they are looking to open at the end of May.

Passage 7-0.

4. **Order 40-04032023**
Approving the Annual Reports to the Maine State Housing Authority for Tax Year 4/1/2022 – 3/31/2023.

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

Public comment - No one from the public spoke.

Passage 7-0.

5. **Order 41-04032023**
Authorizing the City Manager to execute the Collective Bargaining Agreement with the Public Works Teamsters (Highway), effective 07/01/2023.

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

Public comment - No one from the public spoke.

Passage 7-0.

6. **Order 42-04032023**
Authorizing the City Manager to execute the Collective Bargaining Agreement with the Public Works Teamsters (Mechanics), effective 07/01/2023.

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

Public comment - No one from the public spoke.

Passage 7-0.

7. **Order 43-04032023**
Approving the Mass Gathering for the Auburn Lobster Festival event to be held 05/06/2023. Public hearing.

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

Public hearing - No one from the public spoke.

Passage 7-0.

8. **Order 44-04032023**

Approving the temporary liquor license for an Incorporated Civic Organization for the Auburn Lobster Festival event to be held 05/06/2023. Public hearing.

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

Public hearing - No one from the public spoke.

Passage 7-0.

9. Order 47-04032023
Accepting the consideration of Riverside Drive gifted property.

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

Public comment - No one from the public spoke.

Passage 7-0.

10. Order 48-04032023
Authorizing the City Manager to enter into a naming rights agreement of the Drummond Street Playground Park with Tizz Crowley.

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

Public comment - No one from the public spoke.

Passage 7-0.

VII. Open Session

Wayne Souza, 256 Main Street reported concerns regarding a section of the riverwalk that needs better drainage to help with ice buildup and large puddles when the ice melts. He also commented on the safety cones on Elm Street that have been there for months. Last, he commented on the bike path, and the lines painted at the section of Elm Street near School Street.

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported that he and the City Manager were both in Washington, D.C. last week, meeting with our local delegation. He also reported on the School Committee budget, adding that they are looking at increased state aid to schools due to a statewide error calculating those figures.

Councilor Staples reported that the Auburn Public Library will be holding a fundraiser in June.

Councilor Walker reported on Waste to Energy adding that there was not a lot of bulky trash brought in last weekend.

City Manager Crowell reported that the next council meeting will be held on Tuesday April 18th, due to the holiday on the 17th, and there is a tentative date for a budget workshop to be held on April 24th. Last, he explained why the cones are on Elm Street.

IX. Executive Sessions - None

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Morin to adjourn. Unanimously approved and the meeting adjourned at 7:38 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

Lake Auburn Watershed Protection Commission

Auburn Water District
268 Court St.
Auburn, Me 04210

March 3, 2023

Trustees of the Auburn Water District,

This letter is addressed to you on behalf of the Commissioners of the Lake Auburn Watershed Protection Commission. This Commission was formed in 1993 with the principal purpose to maintain safe and healthful environmental conditions within the Lake Auburn Watershed, to prevent and control water pollution, and to protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed. In fulfilment of this purpose, Commissioners began reviewing changes being proposed by the City of Auburn to regulations within the Lake Auburn watershed last year. This process included conducting a peer review of the environmental studies being used by the City of Auburn in drafting new regulations, consultation with environmental engineers, and discussion at LAWPC meetings to assess the outcomes of these review processes.

Through this review process, Commissioners have concluded that additional regulation should be considered to maintain safe and healthful environmental conditions within the Lake Auburn Watershed, to prevent and control water pollution, and to protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed.

Commissioners reviewed the following documents in developing their recommendations regarding changes to regulations within the Lake Auburn Watershed:

- A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine prepared by FB Environmental Associates, Horsely Witten Group and the University of Maine, dated October 2021.
- Lake Auburn Model Technical Memorandum addressed to Eric Cousens, City of Auburn, prepared by Laura Diemer, FB Environmental Associates, dated August 1, 2022.
- Watershed Delineation Rezoning Review – Gravel Pit Parcel Lake Auburn Watershed Protection Commission prepared by Robert H. Fitzgerald and Anne E. Malenfant, CDM Smith, dated June 22, 2022, and revised October 5, 2022.
- Peer Review of FB Environmental Associates *A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine* dated October 2021 and the supplemental Lake Auburn Model Technical Memorandum dated August 1, 2022 prepared by

Rebecca Balke and Eileen Pannetier, Comprehensive Environmental Inc, dated December 5, 2022.

During their January 10, 2023 meeting, Commissions voted to adopt the following recommendation:

The Commissioners of LAWPC recommend that the Trustees of the Auburn Water District develop rules and policies within the watershed of Lake Auburn in order to implement the following regulatory recommendations:

Specific to Auburn

- Moratorium on siting of septic systems within a 400 foot buffer around Lake Auburn.
- Moratorium on new development within the boundaries of the AGRP zone within Auburn.
- Alum treatments be scheduled as needed based on regular monitoring rather than on a predetermined schedule.
- Any future development, based on changes to the watershed boundary on the Gracelawn Rd property, is required to monitor surface and ground water to ensure that water does not flow into the watershed.

Specific to the Entire Watershed

- A system of oversight for the installation of any new mounded wastewater systems be created and implemented to ensure proper installation. This system should include inspection prior to installation, prior to covering, and after final installation.
- An inspection schedule be developed and implemented for current septic systems.
- Ensure there is a responsible entity for the purpose of monitoring septic systems.
- Require using the most stringent standards for new septic systems, as set forth in the Maine Subsurface Disposal Rules chapter 241.
- Failing systems be replaced using the updated standards required for new installations.
- Create requirements for the replacement of older septic systems upon transfer of real estate within the watershed.
- Low Impact Development (LID) standards be implemented.
- Identify areas to be conserved in the upper watershed.
- Prohibit large scale disbursement of organic and synthetic fertilizers.

Respectfully Submitted,

Camille Parrish, Chair
Lake Auburn Watershed Protection Commission

Rick LaChapelle, Vice Chair
Lake Auburn Watershed Protection Commission

STATE OF MAINE **Docket No. 2023-00069**
PUBLIC UTILITIES COMMISSION

BRUCE RIOUX, ET ALS. v. AUBURN WATER DISTRICT	)	
	)	**CITY OF AUBURN'S**
10-Person Complaint Regarding Unreasonable Acts and Practices Threatening Water Quality and Potentially Unnecessary Increases in Rates	)	**PETITION TO INTERVENE**

The City of Auburn (the "City"), a municipal corporation in the State of Maine, by and through its attorneys, hereby petitions to intervene in the above-captioned docket. The City respectfully requests that the Commission grant this petition for the reasons set forth herein.

1. The City is entitled to mandatory intervention pursuant to Section 8(B)(1) of Chapter 110 of the Commission's Rules, as the City is an agency of local government.

2. The 10-Person Complaint that initiated this proceeding alleges that Auburn Water District ("AWD") has engaged in practices, acts or services that are "unjust, unreasonable, insufficient or otherwise in violation of Title 35-A." Under the AWD's charter (attached to the Complaint as Exhibit B), the Auburn City Council is authorized to elect AWD trustees, and therefore, the allegations raised in the Complaint are of significant interest to the City.

3. Moreover, the Complainants assert that AWD has engaged in unreasonable acts and practices by failing to oppose certain actions taken by the City, particularly: (1) the City's efforts to allow for development opportunities around Lake Auburn; and (2) the City's request for AWD to modify the boundary of the Lake Auburn Watershed, which AWD ultimately approved. As such, there are repeated mentions of the City throughout the Complaint, which contains allegations and characterizations regarding certain actions taken by the City, including the commissioning of a report by FB Environmental Associates, dated October 2021, and the adoption of certain ordinance provisions by the City Council. Therefore, although it remains unclear what relief the Complainants are seeking precisely, it is foreseeable that an order by the Commission in this case could directly impact the residents of the City.

4. The City intends to actively monitor this proceeding and participate as an active party to the extent necessary and practicable, including attendance at hearings and conferences, the ability to present evidence and witnesses and engage in negotiations, briefing, and argument.

5. The City therefore requests that it be placed on the Commission's service list and the service list of the parties, and that copies of documents served in this case be sent to:

Phillip L. Crowell, Jr.
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601
pcrowell@auburnmaine.gov

Eric Cousens
Director of Planning, Permitting & Code
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601
ecousens@auburnmaine.gov

Sally J. Daggett, Esq.
Mark A. Bower, Esq.
JENSEN BAIRD
10 Free Street
P.O. Box 4510
Portland, ME 04112
(207) 775-7271
sdaggett@jensenbaird.com
mbower@jensenbaird.com

WHEREFORE, the City of Auburn respectfully requests that the Commission grant it mandatory intervenor status in the above-captioned proceeding.

Dated at Portland, Maine this 13th day of April, 2023.

Respectfully submitted,

/s/ Sally J. Daggett
Sally J. Daggett, Esq.

/s/ Mark A. Bower
Mark A. Bower, Esq.

Attorneys for the City of Auburn
JENSEN BAIRD
10 Free Street, PO Box 4510
Portland, Maine 04112-4510
(207) 775-7271
sdaggett@jensenbaird.com
mbower@jensenbaird.com

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 18, 2023 **Order:** 50-04182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Adoption of 5 Year Capital Improvement Plan

Information The City Manager has presented a 5 Year Capital Improvement Plan. By Charter, the City Council must adopt the Capital Plan before the end of the current fiscal year.

City Budgetary Impacts: This action is just adopting the plan.

Staff Recommended Action: Adoption of the 5 Year Capital Improvement Plan

Previous Meetings and History: 3/20/2023 and 4/3/2023

City Manager Comments:
The 5 Year Capital Improvement Plan is a conceptual plan for the City's long-term capital improvement program which is subject to change due to changing circumstances.

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
CIP 5 Year Plan

City of Auburn

BUDGET FY24

5-Year Capital Improvement Plan

CITY MANAGER'S PROPOSED FY24 CIP PLAN

March 30, 2023

Honorable Mayor Jason Levesque
Auburn City Council Members

RE: Five Year Capital Improvement Program Plan

Dear Mayor and Councilors:

The Five-Year City of Auburn Capital Improvement Plan is hereby submitted for your review in accordance with the provisions of the City Charter.

CAPITAL IMPROVEMENT

Introduction

My preliminary draft recommendations for the FY24 Capital Improvement Program were presented for your review at the Joint City Council and School Committee workshop on March 20, 2023. The City of Auburn Capital Improvement Plan, updated annually, is a five-year plan that serves as a multi –year planning instrument. The expectation is that looking longer-term will bring stability to requests over time. While the long-term CIP Plan takes a five year look at the needs of the city, the focus will be on the projects requested for the upcoming fiscal year. Finally, the initial presentation of the CIP includes all needs of the city to sustain operations.

As usual the CIP includes a spreadsheet for FY 2024 by expenditure and department, including the intended source of funds. There is also a more detailed sheet of expenditures planned for this year.

Charter Requirements

1. A clear general summary of its contents;
2. Identification of the long-term goals of the community;
3. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the fiscal years next ensuing, with appropriate supporting information as to the necessity of each;
4. Cost estimates and recommended time schedules for each improvement or other capital expenditures;
5. Method of financing upon which each capital expenditure is to be reliant;
6. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;
7. A commentary on how the plan addresses the sustainability of the community and the region of which it is a part; and
8. Methods to measure outcomes and performance of the capital plan related to the long-term goals of the community.

Long-term Goals

The goals of the City of Auburn focus on these 5 general areas. These are not in any particular order of importance:

1. Planning for a better future.
2. Reclaiming our streets.
3. Making housing more attainable.
4. Enacting resilient solutions.
5. Enriching neighborhood identities

The FY24 Work Plan recognizes that there are also other goals that serve as a "catch-all" for items outside of these 5 areas.

Of course, we must remain aware of the overall cost of services and taxes. And we must also acknowledge that there is a limit to the amount of spending and debt service the City can afford. This leads me to suggest that the CIP has a final, general goal, "to assure that the assets of the City are maintained in a fiscally responsible manner." Following this approach recognizes that neglect or underfunding the capital needs of the City results in long-term increased costs.

Cost and Schedule

Please see attached spreadsheet at the end of the memo.

Status (See Next Page)

Sustainability

Sustainability has two concepts that must be acknowledged. The first is the core principle that assets are maintained such that they do not deteriorate to the point of being destroyed or beyond repair. The second concept identifies that the City of Auburn can only afford to sustain a certain annual expense. The job of the staff and Council is to strike that balance the best way possible.

The following chart shows the amount of debt issued and retired over the last fifteen years.

CAPITAL IMPROVEMENT PROGRAM - Fund 3000								
CURRENT STATUS OF BONDED PROJECTS								
FY 22-23								
Description	Original Budget	Revised Budget	FY 22 Actual	FY 23 To Date 3/7/2023	Total Exp	Encumbered	Unexpended (Over exp)	Notes
2021 GO BOND (FY 21-22)								
Airport Snow Removal	125,000.00	125,000.00		125,000.00	125,000.00		-	Completed
Union St/Chestnut Park	90,000.00	90,000.00	90,000.00		90,000.00		-	Completed
Hasty HVAC/Efficiency	375,000.00	375,000.00			-	253,668.00	121,332.00	
Comp Plan Property Acquisition	800,000.00	800,000.00	7,411.63	789,555.32	796,966.95	3,033.05	0.00	Completed
Pettingill Ball Field Renovation	350,000.00	350,000.00	330,675.00	8,989.69	339,664.69		10,335.31	
Park Upgrades	50,000.00	50,000.00	50,000.00		50,000.00		-	Completed
Airport East Side Ramp	78,750.00	78,750.00	78,750.00		78,750.00		-	Completed
Fiber Rollout	43,000.00	43,000.00	43,000.00		43,000.00		-	Completed
Eagle View Oblique	50,000.00	50,000.00	29,695.30	2,078.70	31,774.00	18,226.00	-	
PD-Body Cameras	170,000.00	170,000.00	170,000.00		170,000.00		-	Completed
Festival Plaza Rehab	100,000.00	100,000.00	4,181.00	542.14	4,723.14	819.00	94,457.86	
NSBA Dehumidification	20,000.00	20,000.00	-		-	20,000.00	-	
NSBA RO Water Treatment	35,000.00	35,000.00	-		-		35,000.00	
Public Safety Facility	200,000.00	200,000.00	160,838.33	39,161.67	200,000.00		-	Completed
Major Drainage	725,000.00	725,000.00	-	65,510.61	65,510.61	659,489.39	-	
Rec Playground Upgrade	1,300,000.00	1,300,000.00	10,416.24	547,906.63	558,322.87	200,300.00	541,377.13	
Reclamation	1,275,000.00	1,275,000.00	24,286.09	383,268.08	407,554.17	448,335.21	419,110.62	
Reconstruction	1,000,000.00	1,000,000.00	-	542,427.35	542,427.35	457,572.65	-	
Resurfacing	1,000,000.00	1,000,000.00	679,693.13	62,502.68	742,195.81	295,731.37	(37,927.18)	
MDOT Match	900,000.00	900,000.00	12,000.00	123,739.68	135,739.68	674,856.48	89,403.84	
Fire Air Pack	280,000.00	280,000.00	-	267,754.30	267,754.30	12,245.70	-	
PW 12 YD Pow	232,000.00	232,000.00	216,899.00	15,101.00	232,000.00		-	Completed
PW-Tracked Excavation	260,000.00	260,000.00	260,000.00	-	260,000.00		-	Completed
PW-Tractor Replacement	160,000.00	160,000.00	160,000.00		160,000.00		-	Completed
Police Vehicles	159,000.00	159,000.00	34,580.33	124,419.67	159,000.00		-	Completed
Police Motorcycle	18,000.00	18,000.00	18,000.00		18,000.00		-	Completed
Planning Inspection Vehicle	24,000.00	24,000.00	24,000.00		24,000.00		-	Completed
Fire Apparatus	45,000.00	45,000.00	45,000.00		45,000.00		-	Completed
Fire UTV/Rescue Equipment	30,000.00	30,000.00	6,165.00	23,835.00	30,000.00		-	Completed
Contingency	5,250.00	5,250.00	5,250.00		5,250.00			Completed
School Department	1,250,000.00	1,250,000.00	1,076,370.46		1,076,370.46		173,629.54	
Subtotal 2021 Bonds	**11,150,000.00**	**11,150,000.00**	**3,537,211.51**	**3,121,792.52**	6,659,004.03	**3,044,276.85**	**1,446,719.12**	
2022 GO BOND (FY 22-23)								
Auburn Hall Lighting	60,000.00	60,000.00			-		60,000.00	
Dangerous Buildings	120,000.00	120,000.00		58,442.73	58,442.73	47,430.57	14,126.70	
PO-Mobile Printers	50,000.00	50,000.00		24,179.80	24,179.80		25,820.20	
Public Safety Facility	300,000.00	300,000.00			-	32,000.00	268,000.00	
Major Drainage	500,000.00	500,000.00		4,748.80	4,748.80	1,912.50	493,338.70	
Reclamation	1,800,000.00	1,800,000.00			-	1,800,000.00	-	
Reconstruction	1,200,000.00	1,200,000.00			-		1,200,000.00	
Resurfacing	600,000.00	600,000.00			-		600,000.00	
Sidewalks	100,000.00	100,000.00			-		100,000.00	
Enhanced Crosswalks	200,000.00	200,000.00			-		200,000.00	
MDOT Match	1,100,000.00	1,100,000.00		238,514.20	238,514.20		861,485.80	
Downtown Parking & Walkability	148,000.00	148,000.00			-		148,000.00	
12 Yard Plow Truck	520,000.00	520,000.00			-	520,000.00	-	
Street Sweeper	265,000.00	265,000.00		265,000.00	265,000.00		-	Completed
Tractor (haul) Replacemnt	75,000.00	75,000.00		75,000.00	75,000.00		-	Completed
Portable Flagging System	50,000.00	50,000.00		50,000.00	50,000.00		-	Completed
Police Vehicles	165,000.00	301,595.00		169,212.59	169,212.59	108.00	132,274.41	
Contingency	47,000.00	47,000.00		15,685.00				
Subtotal 2022 Bonds	**7,300,000.00**	**7,436,595.00**	**-**	**900,783.12**	900,783.12	**2,401,451.07**	**4,103,045.81**	
TOTAL	**18,450,000.00**	**18,586,595.00**	**3,537,211.51**	**4,022,575.64**	**7,559,787.15**	**5,445,727.92**	**5,549,764.93**	

.

Debt Service Analysis

	Outstanding Debt at Beginning of Fiscal Year	Debt Issued	Debt Retirement	Outstanding Debt at End of Fiscal Year
FY 08-09	$70,267,000	$6,430,000	$8,772,000	$67,925,000
FY 09-10	$67,925,000	$6,500,000	$8,452,000	$65,973,000
FY 10-11	$65,973,000	$7,900,000	$8,412,000	$65,461,000
FY 11-12	$65,461,000	$4,500,000	$8,722,000	$61,239,000
FY 12-13	$61,239,000	$6,207,323	$7,912,000	$59,534,323
FY 13-14	$59,534,323	$5,625,000	$8,332,732	$56,826,591
FY 14-15	$56,826,591	$6,800,000	$8,455,733	$55,170,858
FY 15-16	$55,170,858	$9,950,000	$12,895,732	$52,225,126
FY 16-17	$52,225,126	$5,030,000	$8,620,732	$48,634,394
FY 17-18	$48,634,394	$8,500,000	$8,250,732	$48,883,662
FY 18-19	$48,883,662	$7,655,000	$8,872,811	$47,665,851
FY 19-20	$44,720,000	$22,900,000	$7,695,000	$59,925,000
FY 20-21	$59,925,000	$76,445,000	$24,240,000	$112,130,000
FY 21-22	$112,130,000	$60,070,000	$8,299,900	$163,900,100
FY 22-23	$163,900,100	$6,800,000	$12,328,518	$158,371,582

Average Debt Issued FY 08 - FY 23 $10,387,909

Minus the debt for ELHS new High School

Between FY09 and FY19 the City's total outstanding debt was reduced by **$22,601,149**. Due to the approval by the State of the New Edward Little High School, In FY 20 through FY 22 the City has borrowed the $120,000,000 to complete the project. Of this $120,000,000, the State of Maine will pay the debt service on approximately $105,000,000, leaving $15,000,000 to be paid by the City. It is my goal to keep the debt service payments at 12% - 14% of the total operating budget as recommended by our bond advisors. This is the range that bond rating agencies look favorably on. Less than this and the bond rating agencies will feel that we are not addressing our infrastructure needs. And more than this will make them concerned about our ability to repay the debt. These efforts in conjunction with other sound management policies should continue to support or improve the City's bond rating.

Per the State of Maine's state valuation for 2023, below is a table that shows what the City of Auburn's legal debt limitation is as of June 30, 2023. This statutory analysis needs to be reviewed with the understanding of the City's capacity to meet debt service payments.

CITY OF AUBURN, MAINE
Legal Debt Management
Last Ten Years

Computation of Legal Debt Margin
June 30, 2023

Total State Valuation	$ 2,607,050,000
Legal Debt Limitation:	
15% of State Valuation	391,057,500

Debt Applicable to Debt Limitation:

	Legal Maximum		Bonded General Obligation Debt		
				As a Percent of	
			Dollar	Legal	State
Purpose	Percentage	Amount	Amount	Maximum	Valuation
Municipal & School	15.0%	$ 391,057,500	-	0.00%	0.00%
		Margin for Additional Borrowing:	$ 391,057,500		

Historical Legal Debt Margin
Last Ten Fiscal Years

	Legal Debt Limit	Debt Outstanding	Legal Debt Margin	Debt Outstanding/ Legal Debt Limit
	$			
2007	288,330,000	72,629,000	215,701,000	25.2%
2016	294,015,000	52,225,126	241,789,874	17.8%
2017	297,592,500	48,634,394	248,958,106	16.3%
2018	297,255,000	48,883,662	248,371,338	16.4%
2019	300,330,000	48,082,930	252,247,070	16.0%
2020	315,592,500	59,925,000	255,667,500	14.9%
2021	326,385,000	112,130,000	214,255,000	14.9%
2022	342,300,000	178,342,692	163,957,308	52.1%
2023	391,057,500	159,770,000	231,287,500	40.9%

The most significant impact to the City of Auburn's debt service being sustainable is investment in road infrastructure. Auburn's local roads currently have zero funding in the operating budget. In the City's Engineering CIP request there is $6.0 million recommended for this coming fiscal year. The $6.0 million, if funding and construction costs remain stable, would result in an ability to reconstruct, reclaim or overlay only 10% of the roads over the next 10 years.

The funding allocated to overlays will proportionally grow as the City's roadways are reconstructed. The overlay acts as a surface maintenance that protects and sustains previous reconstruction and reclamation projects. These funds account for 25% of the current request for the recommended budget but account for 80% of the roads undergoing work.

Capital Investment Director Dan Goyette has said a maintenance program that would stabilize the remaining 90% of local roads would require $10,000,000 per year. Due to both staff capacity and financial availability this is too much to add to the operating budget in one year.

Finally, I would like to thank the City Finance Director Jill Eastman for her major contribution to the preparation of this memo and her overall assistance with the Five-Year CIP Plan, the FY24 CIP, and the FY24 Budget. The City of Auburn has a capable and dedicated team with sound financial management.

Sincerely,

Phillip L. Crowell Jr.

Phillip L. Crowell Jr., City Manager

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
AUBURN-LEWISTON AIRPORT					
Airport Owned T-Hangars	$ -				
TOTAL AUBURN-LEWISTON AIRPORT	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
CITY CLERK					
Record Restoration	$ 50,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
Fire Proof Vault Construction			$ 100,000		
TOTAL CITY CLERK	**$ 50,000**	**$ 100,000**	**$ 200,000**	**$ 100,000**	**$ 100,000**
PLANNING & PERMITTIHNG					
Dangerous Buildings and Junkyard Cleanups	$ 400,000	$ 200,000	$ 100,000	$ 100,000	
Comprehensive Plan Program	$ 200,000	$ 400,000			
Discontinue Municipal Fire Alarm System		$ 200,000			
Downtown Parking and Walkability-Grant Match		$ 400,000	$ 400,000	$ 400,000	
TOTAL PLANNING AND PERMITTING	**$ 600,000**	**$ 1,200,000**	**$ 500,000**	**$ 500,000**	**$ -**
CAPITAL INVESTMENT AND PURCHASING					
Facilities					
Auburn Hall Carpet Replacement	$ 85,000				
Auburn Hall Boiler/Mechanical Upgrades			$ 865,000		
Hasty HVAC Replacement and Ventilation Upgrades	$ 550,000				
Auburn Public Library Boiler Replacement		$ 125,000			
NSBA Exhaust Fan and Control System Upgrade	$ 68,000				
Ingersoll Field Lighting Replacement	$ 35,000				
Ingersoll Arena Installation of Air Conditioning				$ 445,000	
Library HVAC and Controls Upgrade		$ 630,000			
Public Safety Facility	$ 3,000,000	$ 25,000,000	$ 25,000,000		
Public Works Space Needs Analysis/Addition		$ 100,000			$ 3,500,000
Intermodal Facility		$ 25,000			
Auburn Hall Building Envelope Repairs			$ 100,000		
Building Management Control System			$ 200,000		
Public Works Repoint Brick			$ 100,000		
Auburn Hall Reconfiguration/APD Relocate				$ 500,000	
Senior Center Parking Lot		$ 400,000			
PAL Center (new)	$ 1,500,000	$ 1,500,000			
Total Facilities	**$ 5,238,000**	**$ 27,780,000**	**$ 26,265,000**	**$ 945,000**	**$ 3,500,000**
City wide Vehicles					
Police Vehicle Replacement	$ 225,500	$ 265,300	$ 267,300	$ 269,300	$ 271,300
Public Works Replace Car (Ford Ranger)	$ 25,000				
Recreation Mini Bus replacement/upgrade	$ 80,000		$ 80,000		
Total City Wide Vehicles	**$ 330,500**	**$ 265,300**	**$ 347,300**	**$ 269,300**	**$ 271,300**
Engineering					

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Reconstruction	$ 1,500,000	$ 3,600,000	$ 1,300,000	$ 1,400,000	$ 1,000,000
Reclamation	$ 1,500,000	$ 1,150,000	$ 1,000,000	$ 1,000,000	$ 1,200,000
Major Drainage	$ 500,000	$ -	$ -	$ -	$ -
MDOT Match	$ 1,500,000	$ 1,100,000	$ 1,000,000	$ 1,000,000	$ 1,200,000
Resurfacing	$ 750,000	$ 900,000	$ 1,000,000	$ 700,000	$ 300,000
Retaining Walls	$ 250,000	$ 444,000	$ 40,000		
Pavement Assessment	$ 100,000				
Total Engineering	**$ 6,100,000**	**$ 7,194,000**	**$ 4,340,000**	**$ 4,100,000**	**$ 3,700,000**
TOTAL CAPITAL INVESTMENTS & PURCHASING	**$ 11,668,500**	**$ 35,239,300**	**$ 30,952,300**	**$ 5,314,300**	**$ 7,471,300**
FIRE DEPARTMENT					
Fire					
Apparatus Replacement	$ 60,000	$ 785,000	$ 60,000	$ 50,000	
Fire Hose Replacement			$ 40,000		
Extrication equipment replacement	$ 50,000				
Air-pac replacement					
Rescue Boat Replacement		$ 30,000			
AEDs for Police & Fire	$ 45,000				
Cascade air fill station system replacement			$ 60,000		
Rescue Trailer	$ 15,000				
Total Fire	**$ 170,000**	**$ 815,000**	**$ 160,000**	**$ 50,000**	**$ -**
EMS					
Ambulance Replacement	$ 450,000	$ 170,000		$ 180,000	
Cardiac monitors	$ 47,000	$ 70,000	$ 70,000	$ 70,000	
Stretcher Replacement		$ 30,000		$ 32,000	
Chest Compression Systems	$ 21,000				
Total EMS	**$ 518,000**	**$ 270,000**	**$ 70,000**	**$ 282,000**	**$ -**
TOTAL FIRE DEPARTMENT	**$ 688,000**	**$ 1,085,000**	**$ 230,000**	**$ 332,000**	**$ -**
INFORMATION TECHNOLOGY					
Security Camera Project	$ 50,000				
TOTAL INFORMATION TECHNOLOGY	**$ 50,000**	**$ -**	**$ -**	**$ -**	**$ -**
LA911 (Auburn's share)					
Server Infrastructure Replacement	$ 150,000				
Communications Center				$ 1,250,000	
Dispatch Center HVAC			$ 100,000		
TOTAL LA911	**$ 150,000**	**$ -**	**$ 100,000**	**$ 1,250,000**	**$ -**
NSBA					
Gold Series Stadium Charis (750 w/rack)		$ 100,000	$ 100,000		
Rehab Front Desk to Ticket Office	$ 50,000				
Rubber Flooring, Front Lobby w/ new Logo, Locker room area	$ 100,000				

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Rubber Flooring, Mezzanine and Rink 1 and 2		$ 100,000			
Protective netting Rink 1 and 2			$ 35,000		
New LED Scoreboards (2)			$ 100,000		
New Zamboni				$ 200,000	
New board system w/glass for Rink 2					$ 300,000
TOTAL NSBA	**$ 150,000**	**$ 200,000**	**$ 235,000**	**$ 200,000**	**$ 300,000**
POLICE DEPARTMENT					
Cruiser Camera System Replacement				$ 200,000	
Body worn Cameras					$ 280,000
Gym Equipment Replacement		$ 25,000			
Digital Mapping Equipment					$ 50,000
Patrol Rifle Replacement	$ 21,000				
Emergency Operations Center Upgrade		$ 50,000			
TASER Upgrade	$ 169,000				
Mobile Data Terminal Replacement		$ 125,000			
Command Vehicle Replacement			$ 300,000		
TOTAL POLICE DEPARTMENT	**$ 190,000**	**$ 200,000**	**$ 300,000**	**$ 200,000**	**$ 330,000**
PUBLIC WORKS					
Public Works					
Replace 7 yard plow trucks (plowing/sanding and roadway maintenance)	$ 601,600	$ 601,000	$ 902,000	$ 601,000	$ 1,203,200
Replace 12 yard plow trucks (plowing/sanding and roadway maintenance)				$ 700,000	
Replace front end loader (loading materials and snow removal)	$ 250,000		$ 250,000	$ 500,000	
Weather Station		$ 47,150			
Grader			$ 450,000		$ 450,000
Weekingtech Foam Stream		$ 35,300			
Replace One Ton Truck with Plow (2)	$ 150,000	$ 70,000		$ 70,000	$ 70,000
Replace 3/4 Ton Pickup w Plow		$ 160,000	$ 80,000	$ 50,000	$ 90,000
Hot Box Pavement Reclaimer			$ 50,000		
Backhoe		$ 185,000			
Replace sidewalk tractor (sidewalk maintenance and mowing)		$ 170,000	$ 170,000	$ 170,000	
Longley Park Renovation		$ 110,500			
Scorpion Trailer Crash Pad (Safety)		$ 50,000			
Ventrac Machine with Attachments		$ 48,000			
Hay Bale Chopper (Erosion Control)	$ 10,000	$ 10,000			
Trench Box		$ 15,000			
Drone		$ 20,000			
Replace Vactor Truck		$ 525,000			
Pressure Washer for Wash Bay		$ 50,000			
Replace Western Star Pulp Truck				$ 275,000	

CITY OF AUBURN
CITYWIDE FIVE YEAR - CAPITAL IMPROVEMENT PLAN
FY 24 - FY 28

Description	FY24	FY25	FY26	FY27	FY28
Replace Chipper		$ 80,000			
Replace Loader Mounted Snow Blower					$ 150,000
Field GPS Painter		$ 63,000			
Electrical Division - Vehicle Replacement		$ 50,000			
Electrical Division - Bucket Truck Replacement					
Upper Pettingill Light Replacement			$ 300,000		
Replace Softball Field Wall Pads			$ 11,000	$ 11,000	
Mount Auburn Ave Retaining Wall Replacement		$ 185,250			
Repair Brick Sidewalk-Main St		$ 262,700			
TOTAL PUBLIC WORKS	**$ 1,011,600**	**$ 2,737,900**	**$ 2,213,000**	**$ 2,377,000**	**$ 1,963,200**
RECREATION & SPORTS FACILITIES					
Recreation					
Update Basketball Court Logo	$ 35,000				
Senior Center Building Upgrades and Repairs	$ 10,000		$ 10,000		$ 10,000
Equipment Repairs Ingersoll	$ 10,000		$ 10,000		$ 10,000
Replace Turf at Ingersoll			$ 300,000		
TOTAL RECREATION & SPORTS FACILITIES	**$ 55,000**	**$ -**	**$ 320,000**	**$ -**	**$ 20,000**
TRANSPORTATION					
Traffic Calming and Pedestrian Safety	$ 200,000				
TOTAL TRANSPORTATION	**$ 200,000**	**$ -**	**$ -**	**$ -**	**$ -**
EDUCATION (See attached list)					
TOTAL CIP	**$ 14,813,100**	**$ 40,762,200**	**$ 35,050,300**	**$ 10,273,300**	**$ 10,184,500**

CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only

Description	Bonds	Operating	Other
CITY CLERK Record Restoration	$ 50,000		
TOTAL CITY CLERK	**$ 50,000**	**$ -**	**$ -**
PLANNING & PERMITTING			
Dangerous Building Demolition	$ 400,000		
Comprehensive Plan Program	$ 200,000		
TOTAL PLANNING AND PERMITTING	**$ 600,000**	**$ -**	**$ -**
CAPITAL INVESTMENT AND PURCHASING			
Facilities			
PAL Center (new)	$ 1,500,000		
Public Safety Facility	$ 3,000,000		
Carpet Replacement - Auburn Hall	$ 85,000		
NSBA Exhaust Fan and Control System Upgrade			$ 68,000
Hasty HVAC Replacement and Ventilation Upgrades			$ 550,000
Ingersoll Field Lighting Replacement		$ 35,000	
Total Facilities	**$ 4,585,000**	**$ 35,000**	**$ 618,000**
City wide Vehicles			
Police Vehicle Replacement	$ 225,500		
Public Works-Vehicle Replacement	$ 25,000		
Recreation Minibus replacement/upgrade	$ 80,000		
Total City-Wide Vehicles	**$ 330,500**	**$ -**	**$ -**
Transportation			
Traffic Calming and Pedestrian Safety	$ 200,000		
Total Transportation	**$ 200,000**	**$ -**	**$ -**
Engineering			
Reconstruction	$ 1,500,000		
Reclamation	$ 1,500,000		
Major Drainage	$ 500,000		
MDOT Match	$ 1,500,000		
Resurfacing	$ 750,000		
Retaining Walls	$ 250,000		
Pavement Assessment		$ 100,000	
Total Engineering	**$ 6,000,000**	**$ 100,000**	**$ -**
TOTAL CAPITAL INVESTMENTS & PURCHASING	**$ 11,115,500**	**$ 135,000**	**$ 618,000**

CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only

Description		Bonds	Operating	Other
FIRE & EMS				
Fire	Apparatus Replacement	$ 60,000		$ -
	Extrication Equipment	$ 50,000		
	Rescue Trailer	$ 15,000		
		$ 125,000	**$ -**	**$ -**
EMS	Ambulance Replacement			$ 450,000
	AEDs for Police and Fire			$ 45,000
	Cardiac monitors			$ 47,000
	Chest Compression Systems			$ 21,000
		$ -	**$ -**	**$ 563,000**
TOTAL FIRE AND EMS		**$ 125,000**	**$ -**	**$ 563,000**
INFORMATION TECHNOLOGY				
	Security Camera Project	$ 50,000		
TOTAL IT		**$ 50,000**	**$ -**	**$ -**
LA 911	Server Infrastructure Replacement	$ 150,000		
TOTAL LA911		**$ 150,000**	**$ -**	**$ -**
NSBA (Norway Savings Bank Arena)				
	Rehab front desk to Ticket Office		$ 50,000	
	Rubber Flooring, Front Lobby w/new Logo, Locker room area	$ 100,000		
TOTAL NSBA		**$ 100,000**	**$ 50,000**	**$ -**
POLICE	Patrol Rifle Replacement	$ 21,000		
	TASER Upgrade	$ 169,000		
TOTAL POLICE		**$ 190,000**	**$ -**	**$ -**
PUBLIC WORKS				
2	Replace 12-yard plow trucks (plowing/sanding and roadway maintenance)	$ 601,600		
1	Replace Front End Loader	$ 250,000		
3	Replace One ton truck w/plow (2)	$ 150,000		
4	Hay Bale Chopper (Erosion Control)		$ 10,000	
TOTAL PUBLIC WORKS		**$ 1,001,600**	**$ 10,000**	**$ -**

CITY OF AUBURN
CAPITAL IMPROVEMENT PLAN
FY 23 - 24 Only

Description	Bonds	Operating	Other
RECREATION & SPORTS FACILITIES			
Recreation			
Update Basketball Court Logo	$ 35,000		
Senior Center Building Upgrades and Repairs			$ 10,000
Equipment Repairs Ingersoll		$ 10,000	
TOTAL RECREATION AND SPORTS FACILITIES	**$ 35,000**	**$ 10,000**	**$ 10,000**
EDUCATION (See attached list)	**$ -**		
TOTAL CIP	**$ 13,417,100**	**$ 205,000**	**$ 1,191,000**

CITY WIDE
CAPITAL IMPROVEMENT PLAN

FY 24 BONDS

	Description		Page
City Clerk	Record Restoration	$ 50,000	16
Econ Dev & Planning	Dangerous Building Demolition	$ 400,000	17
Econ Dev & Planning	Comprehensive Plan Program	$ 200,000	18
Facilities	PAL Center	$ 1,500,000	
Facilities	Public Safety Facility	$ 3,000,000	19
Facilities	Carpet Replacement - Auburn Hall	$ 85,000	20
City Wide Vehicles	Police Vehicle Replacement	$ 225,500	21
City Wide Vehicles	Public Works-Vehicle Replacement	$ 25,000	22
City Wide Vehicles	Recreation Minibus Replacement	$ 80,000	23
Transportation	Traffic Calming and Pedestrian Safety	$ 200,000	24
Engineering	Reclamation	$ 1,500,000	25
Engineering	Reconstruction	$ 1,500,000	26
Engineering	Major Drainage	$ 500,000	27
Engineering	MDOT Match	$ 1,500,000	28
Engineering	Resurfacing	$ 750,000	29
Engineering	Retaining Walls	$ 250,000	30
Fire	Apparatus Replacement	$ 60,000	31
Fire	Excavation Equipment	$ 50,000	32
Fire	Rescue Trailer	$ 15,000	33
IT	Security Camera Project	$ 50,000	34
LA911	Server Infrastructure Replacement	$ 150,000	35
NSBA	Rubber Flooring, Front Lobby and Locker Room Area	$ 100,000	36
Police	Patrol Rifle Replacement	$ 21,000	37
Police	TASER Upgrade	$ 169,000	38
Public Works	Replace 12-yard plow trucks	$ 601,600	39&40
Public Works	Replace Front End Loader	$ 150,000	41
Public Works	Replace One ton truck w/ plow	$ 250,000	42
Recreation	Update Basketball Court w/new logo	$ 35,000	43
Administration	Contingency	$ 82,900	
TOTAL CIP		$ 13,500,000	

CITYWIDE

CAPITAL IMPROVEMENT PLAN

FY 24 Other Funds

Description		Funds		Page
Facilities	NSBA Exhaust Fan and Control System	ARPA	$ 68,000	44
Facilities	Hasty HVAC Replacement & Ventilation	ARPA	$ 550,000	45
EMS	Ambulance Replacement	EMS Capital Reserve	$ 450,000	46
EMS	AEDs for Police and Fire	ARPA	$ 45,000	
EMS	Cardiac Monitors	EMS Capital Reserve	$ 47,000	47
EMS	Chest Compression Systems	EMS Capital Reserve	$ 21,000	48
Senior Center FB	Building Upgrades and Repairs	Senior Center FB	$ 10,000	49
TOTAL CIP			$ 1,191,000	

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Record Restoration**

Project Purpose: Restore and protect all of the City's old records

Department: **City Clerk**

Project Description: Binding and preserving the City's old records of Council Minutes, etc.

Location: **City Clerks Vault**

Justification: We are required by Statute to keep these records forever.

Useful Life: 20 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 50,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 450,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Dangerous Buildings and Junkyard Cleanups**

Project Purpose: Removal of Dangerous conditions from properties

Department: **Planning & Permitting**

Project Description: We have completed two more junkyard cleanups at tax acquired properties in 2022 2 (1865 Hotel 145 Eastman Lane). We will be pursuing cleanup at 250 Hackett Road Junkyard in 2023/2024 and have a condemned building at 100 Hampshire Street that may require demolition. Others may come to our attention in any given year due to complaints, fire, or damage. We attempt to recoup costs from the sale of property and special tax filings but need to address the safety and

Location:

Justification: Without these funds we will not be able to address dangerous buildings or illegal junkyard cleanups.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 400,000		$ -	$ -	$ -	$ 400,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: Comprehensive Plan Program Implementation

Project Purpose: Implement Elements of the Comprehensive Plan Prioritized by

Department: **Planning & Permitting**

Project Description: Comprehensive Plan Implementation Program-Council reserved funding for priority comprehensive plan efforts and property acquisition when opportunities present themselves. Past years projects include ballfields design, Mapping services for Comp Plan Update and printing updated plan, Lake Auburn Study.

Location:

Justification: Without these funds we will not be able to implement comprehensive and strategic plan initiatives. If there is not funding available, the Council will need to budget for priorities next year and that does not place the City in a Competitive position for a property that may become available during the year. Council will be asked to vote to allocate this funding to specific efforts during the year.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 200,000		$ -	$ -	$ -	$ 200,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Public Safety Facility**

Project Purpose:

Department: **Capital Investment and Purchasing**

Project Description: Half of cost for Engine 2 reconstruction.

Location:

Justification: Existing facility is beyond useful life.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 3,000,000	$ 25,000,000	$ 25,000,000		$ -	$ 53,000,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Auburn Hall Carpet Replacement**

Project Purpose: Facility Maintenance

Department: **Capital Investment and Purchasing**

Project Description: Replace existing carpet on 1st and 2nd floors with new carpet tiles.

Location: Auburn City Hall

Justification: Existing carpet is old, stained and worn out.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 85,000	$ -	$ -	$ -	$ -	$ 85,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Priority: Very High

Project Title: **Scheduled Fleet Replacement**

Project Purpose: Vehicle Replacement

Department: **Police**

Project Description: Scheduled replacement of four police vehicles.

Location: **Police Department**

Justification: The department has established a three-year life cycle for the patrol fleet and a five to seven year life cycle for support vehicles. Due to previous budget cuts, the service life of some patrol vehicles has been extended. This has increased vehicle repair costs significantly while drastically reducing trade-in value. The department will trade out a 2012 vehicle, a 2015 vehicle and two 2016 vehicles. The department will purchase four new vehicles. one of which will be an electric vehicle for Support Services / CID.

Useful Life: Five Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ -	$ 225,500	$ -	$ -	$ -	$ 225,500

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Eletric Vehicle**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: Replace Ford Ranger pick-up truck with Electric Vehicle and install charging station at Public Works

Location: **Woodbury Brackett Municipal Garage**

Justification: This unit would replace unit 89 a Ford Ranger pick-up truck.

Useful Life: 10

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 25,000	$ -	$ -	$ -	$ -	$ 25,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **New Minibus**

Project Purpose: Replace "Age-Friendly" Mini Bus with a new one

Department: **Recreation**

Project Description: Current Minibus used for senior trips is in-need of many repairs and is currently unsafe to take on long trips. We are looking to replace that Minibus with a new one. Looking to add an additional $2,500 to cover the possible repair costs in 2-3 years.

Location: **Auburn Senior Community Center**

Justification: Senior/age-friendly trips are limited to the space we have on our minibusses. With our before & aftercare program that limits the use of that "Rec" minibus to 9-2PM Mon-Fri. Having another reliable bus will ensure that all programs get the proper and safe transportation.

Useful Life: 5-10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 80,000	$ -	$ 2,500	$ -		$ 82,500

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Traffic Calming and Pedestrian Safety**

Project Purpose: To create targeted funds for neighborhood-initiated traffic calming

Department: **Transportation**

Project Description: Modeling after the FY23 City Council amended request, these funds would be available to support the implementation of traffic calming and pedestrian safety efforts that align with neighborhood-initiated requests.

Location: **Various locations throughout the City**

Justification: Traffic calming and pedestrian safety are regular requests from Councilors and citizens city-wide. A dedicated fund of capital resources, aligned with policies to manage requests for safety evaluations, will improve livability in the city and support the Reclaiming our Streets recommendation in the strategic plan.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 200,000	$ -	$ -	$ -	$ -	$ 200,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Road Reclamation**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description: Hersey Hill Road from North Auburn Roat to Minot Town Line.
Harmon's Corner Road from South Witham Road to Pownal Road.

Location: Various

Justification: These road segments have low Pavement Condition Ratings and are in need of repair. These roads are good candidates for reclamation, where existing road base is utilized, and the road grade is raised.

Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 1,500,000	$ -	$ -	$ -	$ -	$ 1,500,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Road Reconstruction**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description:
Fourth Street from South Main Street to End.
Dunn Street from South Main Street to Second Street.
Loring Street from South Main Street to Seventh Street.
Marian Drive from Sherwood Drive to Broad Street.

Location: Various

Justification: These road segments have low Pavement Condition Ratings and are in need of repair. These sections will require restoration of the road base, closed drainage system, curbing and sidewalks.

Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 2,100,000	$ -	$ -	$ -	$ -	$ 2,100,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Major Drainage**

Project Purpose: State Mandate

Department: **Capital Investment and Purchasing**

Project Description: This item covers the MS4 Storm water permit regulations and drainage asset management. In addition, it would allow us to make repairs to existing systems that were identified as part of our storm water infrastructure assessment as failing.

Location: Various

Justification: The City is required by MDEP to follow storm water regulations and annual reporting. The City is also mapping its storm water infrastructure inventory for future planning.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 500,000	$ -	$ -	$ -	$ -	$ 500,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **MDOT Match**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description: This would provide the match for the MPI program ($825,000) which would reconstruct a State Aid Road. The additional $$$$ is to provide match money for STIP projects.

Location: Various

Justification: The money will provide the matching funds for the MDOT's Municipal Partnership Initiative (50/50) and the matching funds for STIP Projects (80/20). Without these funds the State will not contribute the 50% or the 80% matches.

Useful Life: 20 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 1,500,000	$ -	$ -	$ -	$ -	$ 1,500,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Pavement Resurfacing**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description:
Holbrook Road from North Auburn Road to Town Line.
South Witham Road from Penley Corner Road to Sopers Mill Road.
Maple Hill Road from Dillingham Hill Road to Lakeshore Drive.

Location: Various

Justification:
This would add about 10 years of life to the roadway, allowing for another resurfacing in the future instead of needing to reconstruct the road at a much more significant cost.

Useful Life: 10 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 800,000	$ -	$ -	$ -	$ -	$ 800,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Retaining Walls**

Project Purpose: Street Improvement

Department: **Capital Investment and Purchasing**

Project Description: Repairing a failing dry stacked retaining wall on a corner within the Hillcrest Street corridor. This is a safety project to include a new retaining wall with guardrail.

Location: Hillcrest Street

Justification: The current retaining wall is failing and poses a safety concern to motorists and abutting properties.

Useful Life: 40 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 250,000	$ -	$ -	$ -	$ -	$ 250,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Replace unit 320**

Project Purpose: Replace worn out equipment

Department: **Fire**

Project Description: To replace a 2014 Ford Explorer which is used as the Chief's vehicle. The project costs include vehicle costs as well as emergency lights, and the cost of a small command console so there will be a back up to our command unit if it is out of service.

Location: **Fire**

Justification: The current vehicle has 125,000 miles on it, needs body repairs and is nearing the end of its reliable life. This project cost also funds a small command console with radios which will be installed and provide redundancy for our primary command SUV when the primary unit is out of service.

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 60,000	$ -	$ -	$ -	$ -	$ 60,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Extrication tool replacement/upgrade**

Project Purpose: Replace tools

Department: **Fire**

Project Description: Replace one full set of hydraulic extrication tools.

Location: **Fire/Center St. Station**

Justification: The departments current extrication tools are over 20 years old and lack the power to cut the high strength components used it today's modern cars. The department has extrication tools on all three front line fire apparatus. This is phase two of a three step plan to upgrade all department extrication tools to work effectively on modern vehicles.

Useful Life: 15 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 50,000	$ -	$ 50,000	$ -	$ -	$ 100,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Moderate

Project Title: **Replace Rescue 1**

Project Purpose: Replace Rescue 1 with a trailer

Department: **Fire**

Project Description: This project will replace Rescue 1, Which is a 2001 PL Custom converted ambulance, with 125,000 miles on it. It will be replaced with a 16-foot enclosed trailer. The project costs include the cost of the trailer and all necessary shelving and mounting of the technical rescue equipment currently stored and deployed in Rescue 1.

Location: **Fire**

Justification: Rescue 1 is long overdue for replacement. Moving to a trailer will eliminate an old apparatus from our fleet reducing maintenance costs. The trailer can be stored outside freeing up much needed bay space in the fire station.

Useful Life: 20 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 15,000	$ -	$ -	$ -	$ -	$ 15,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Security Camera Project**

Project Purpose: Replace outdated equipment

Department: **IT**

Project Description: Auburn Hall parking garage is on schedule to have 12 cameras replaced due to age and advancements in camera technology, along with adding 3 cameras in the Pettengill Park fields.

Location: **Auburn Hall & Pettengill Park**

Justification: The IT department has reviewed the age of cameras and found many needed to be replaced to keep up with security needs within the Parking Garage at Auburn Hall. It was also brought to our attention that we needed more camera footage on a regular basis at Pettengill Park Fields, so we would like to add cameras there.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 50,000	$ -	$ -	$ -	$ -	$ 50,000

FY24 Capital Improvement Program
Project Description Form

Project Title: **LA911 Server Infrastructure Replacement**

Operational Funding Division: LA911 **Project Name:** Server Replacement

Est. Total Cost FY24:	0	**Est. Total Cost FY25-FY28:**	300,000
City Share FY24:	0	**City Share FY25-FY28:**	150,000

Project Description:
Planned LA911 Server Infrastructure Replacement. Hardware will be due to be replaced because of end of life (EOL) situations or replaced due to age of equipment, and manufacture support limitations in FY23. The Storage Area Networks (SAN), network switches, and servers that house the datacenter of LA911 will be due to be replaced in FY23. This project includes both the replacement of production site hardware and Disaster Recovery (DR) site hardware with reuse of current equipment as available. We have pushed the project to FY25 to align with planned relocation of the 9-1-1 Center.

Consistency with the Comprehensive or Strategic Plans or other related planning documents:
Organizations should proactively develop strategies that leverage resources, anticipate future requirements, and focus on business goals and performance objectives. As technology and other computing platforms become central to supporting the mission of the organization, effective planning for the management of these platforms has become vital.

Justification for project implementation/construction and segments, if applicable:
By not staying current with supported hardware and emerging technologies, systems become outdated, obsolete, and lose residual value. There is a high factor of risk involved in falling behind in a datacenter hardware lifecycle management. Potential issues are extended system downtime, data loss, and data corruption.

Future maintenance costs if known, including contracts and special service requirements:
All hardware purchased will have a 3 - 5-year life span. Recurring capital expenditure will be required each 3- 5-year cycle.

How were cost estimates obtained and expenditure commitment:
Worked with vendor to assess current usage and needs with planned growth and data trends.

FUNDING SOURCES

Source	Amount				
City Operating Budget					
City Bond Issue	150,000				
Federal/State Funding		**Agency:**		**Approval Received?**	Yes No
Other Agency/Municipality	150,000	**Agency:**		**Approval Received?**	Yes No
Total Project Costs	**300,000**				

IMPLEMENTATION SCHEDULE (Fiscal Years)

	2024	2025	2026	2027	2028	Future
Total Project Cost		300,000				
Non-City Share		150,000				
City Share	0	150,000	0	0	0	0

Attach on separate page(s)/sheet additional information (if needed)

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Floor Rubber**

Project Purpose:

Department: **Norway Savings Bank Arena**

Project Description:

FY 24: To remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in the locker rooms, coaches' room, locker hallway, referee's room, and main lobby to include installation of new "Norway Savings Bank Arena"

FY 25: Supply and install new 3/8" rubber flooring color black with light grey 10% speckle throughout the a Mezzanine with new black cove base as needed. Remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in Rink 1 per walk-through. Remove and dispose of existing rubber flooring and to supply and install new 3/8" black rubber flooring with light grey 10% color speckle in Rink 2 per walk-through

Location:

Justification:

Replacement of wear and tear after ten (10) years

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 98,875	$ 113,345	$ -	$ -	$ -	$ 212,220

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Priority: Very High

Project Title: **Patrol Rifle Replacement**

Project Purpose: Replace worn-out equipment

Department: **Police**

Project Description: Replacement of Patrol Rifles

Location: **Police Department**

Justification: Current Patrol rifles are over 15 years old and have reached the end of their service life. New rifles will also include a noise suppressor to reduce hearing loss exposure to officers. 22 rifles will be purchased. The original project was partially funded in FY23 at $17,500 with the understanding the second half would be funded in FY24.

Useful Life: 15 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 21,000	$ -	$ -	$ -	$ -	$ 21,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **TASER Replacement Project**

Project Purpose: Replace worn-out equipment

Department: **Police**

Project Description: Replace 55 TASER X26P units with TASER 7 units

Location: **Police Department**

Justification: The TASER X26P has reached the end of its service life and will no longer be serviced by AXON. The TASER 7 is the model that Axon has transitioned to. TASER 7 is available as a $55.32 per month, per unit subscription that includes the TASER weapon, docks, batteries and cartridges, integration with Axon Evidence, full user training and certification for five years.

Useful Life:
5 Years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 186,000	$ -	$ -	$ -	$ -	$ 186,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Replace Single Axle Dump Truck**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: This unit is used for plowing and sanding/salting in winter months and is used to move material to and from APW job sites in the summer months.

Location: **Woodbury Brackett Municipal Garage**

Justification: This would replace unit 7- single axle dump truck with plow and wing.

Useful Life: 10 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 300,800	$ -	$ -	$ -	$ -	$ 300,800

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Replace Single Axle Dump Truck**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: This unit is used for plowing and sanding/salting in winter months and is used to move material to and from APW job sites in the summer months.

Location: **Woodbury Brackett Municipal Garage**

Justification: This would replace unit 16-single axle dump truck with plow and wing.

Useful Life: 10yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 300,800	$ -	$ -	$ -	$ -	$ 300,800

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Replace Bucket Loader**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: Replace 1999 John Deere Wheeled Bucket Loader

Location: **Woodbury Brackett Municipal Garage**

Justification: The loader is used in winter operations for snow removal, loading trucks with sand and salt, and plowing as it's available. The 1999 loader is useful life and needs replacement.

Useful Life: 15 yrs

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ -	$ -	$ -	$ -	$ -	$ -

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **One Ton Truck**

Project Purpose: Replace worn-out equipment

Department: **Public Works**

Project Description: Replace one ton truck with plow and sander.

Location: **Woodbury Brackett Municipal Garage**

Justification: This unit would replace unit 33 a 2009 one ton.

Useful Life: 10

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 75,000	$ -	$ -	$ -	$ -	$ 75,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Low

Project Title: **Basketball Court Logo Update**

Project Purpose: Refinish basketball court and add rebranded Auburn Recreation logo

Department: **Recreation**

Project Description: Replace old logo with rebranded logo - would include shaving down entire court and cleaning off old lines.

Location: **Hasty Community Center**

Justification: Current logo is 10 years old and does not resemble our current logo or brand. Cost would include the annual cleaning that the floor gets so that would be taken off FY 24 budget. This quote also includes the cost of relining the court for pickleball, volleyball and basketball.

Useful Life: 15 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 35,000	$ -	$ -	$ -		$ 35,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **NSBA Exhauste Fan and Control System Upgrade**

Project Purpose: Facility Maintenance

Department: **Capital Investment and Purchasing**

Project Description: Replace locker room exhaust fan and perform control system upgrades

Location: Norway Savings Bank Arena

Justification: System was never properly commissioned when building was opened.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 68,000	$ -	$ -	$ -	$ -	$ 68,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Very High

Project Title: **Hasty HVAC Replacement and Ventilation Upgrades**

Project Purpose: Facility Maintenance

Department: **Capital Investment and Purchasing**

Project Description: Install new HVAC system in Hasty.

Location: Hasty

Justification: No air conditioning exists and existing heating system is failing. Air quality is also poor.

Useful Life:

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 550,000	$ -	$ -	$ -	$ -	$ 550,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Ambulance Purchase**

Project Purpose: New equipment to meet service needs

Department: **EMS**

Project Description: Purchase one ambulance.

Location: **Fire**

Justification: As call volumes continue to increase, Auburn EMS has reached the point where we must begin to staff a third ambulance to meet the service demands of the City. To prepare for having three staffed units, we must increase our fleet of ambulances. The current lead time from the ambulance vendor for a new ambulance is 18-24 months. It is important that we make this purchase now to have the ambulance before the service demands exceed our ability to respond.

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 450,000	$ -	$ -	$ -	$ -	$ 450,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: HIgh

Project Title: **Cardiac Monitor**

Project Purpose: Add one additional system to department capabilities

Department: **EMS**

Project Description: Purchase one Cardiac Monitor.

Co

Pi

Location: **Fire**

Justification: Cardiac monitors allow EMS providers to monitor and document patient heart function as well as to defibrillate (shock) a patient's heart during sever cardiac events. This is required equipment on all licensed ambulances. This purchase is in preparation for adding a third response ambulance to meet increasing call volumes and increased patient demands for service.

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	**Total Cost**
$ 47,000	$ -	$ -	$ -	$ -	$ 47,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: High

Project Title: **Chest Compression System**

Project Purpose: Add one additional system to department capabilities

Department: **EMS**

Project Description: Purchase one chest compression system.

Location: **FIre**

Justification: Chest compression systems produce much more effective, and consistent compressions during CPR then manual compressions. This can result in better patient outcomes. This purchase is in preparation for adding a third response ambulance to meet increasing call volumes and increased patient demands for service.

Useful Life: 10 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 21,000	$ -	$ -	$ -	$ -	$ 21,000

City of Auburn, Maine
FY 2024 Capital Improvement Program
Project Description Worksheet

Fiscal Year: **2024**

Prority: Low

Project Title: **Senior Center Upgrades & Repairs**

Project Purpose: Replacement of equipment or additional equipment needed

Department: **Recreation**

Project Description: New projector to replace current one, repair the divider wall, funds to help cover any repair costs to AV system. New signage to match rebranding.

Location: **Auburn Senior Community Center**

Justification: Building is used almost every day. Making sure funds are available to make quick repairs is crucial to ensure the building stays up and running for not only our own senior programming but also the Senior groups and rentals that we service daily.

Useful Life: 2 years

Cost FY 2024	Cost FY 2025	Cost FY 2026	Cost FY 2027	Cost FY 2028	Total Cost
$ 10,000	$ -	$ 10,000	$ -	$ 10,000	$ 30,000

ORDER 50-04182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby adopts the FY 2024 - 2028 (5 year) Capital Improvement Plan, as presented.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 18, 2023 **Order:** 51-04182023

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

Subject: Auburn Victory Garden Program

Information:
The City of Auburn seeks funds from the American Rescue Plan Act (ARPA) to establish the Auburn Victory Garden Program. The program will assist residents in producing fresh, healthy food by providing a one-time grant from the Auburn Victory Garden Program. This program will incentivize residents to grow healthy food items for themselves or share with others. This grant program aligns with the city's strategic goal of enhancing access to healthy food choices and promoting neighborhoods.

City Budgetary Impacts:
This program will not impact the City's Budget as The Office of Business & Community Development is seeking $25,000 in ARPA funds to administer the program.

Staff Recommended Action:
Approve the Order as submitted.

Previous Meetings and History:
City Council Meeting March 20, 2023, during Communications and Presentations, Mayor Leveque proposed action for staff to work from.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Auburn Victory Garden Program Overview
Program Application
Informational Intake Form

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Auburn Victory Garden Program

Purpose

The purpose of the Victory Garden program is to assist residents who wish to produce their own fresh, healthy food by reducing the start-up costs of backyard or container gardens. This initiative aligns with goals established within the city's Comprehensive Plan which aims to "ensure that fresh, local food is equitably accessible to everyone regardless of income or geography" (Objective K.1.1) by "supporting practices that facilitate access to healthy food in residential settings" (Objective K.1.3).

Funding

The City of Auburn may allocate $25,000 from the City ARPA funds for this program to provide funds to qualified residents. Maximum assistance is $150 per household. Funds will be provided as vouchers to participating farm & garden retailers and nurseries.

Eligibility

Existing Auburn residents are eligible for financial assistance. The funds can be used to purchase necessary equipment, supplies or seedlings to improve the selection of fresh and healthy food offerings.

In order to be eligible to receive funds, all property taxes, real and personal, owed on the property that is the subject of the application must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Sources and Uses	Unit Price	Quantity	Budget
City ARPA Funds =			**$25,000**
Total Uses=			**$25,000**
Program Administration (1 year)			$1,000
Grants	$150.00	*Approx. 160*	$24,000

Application

Applications will be accepted until August. 1, 2023, or until all funds are exhausted. The following application will be used to collect all pertinent information and determine eligibility.

Victory Garden Application

Business & Community Development
60 Court St Auburn, Maine 04210
Phone (207)-333-6601
www.AuburnMaine.Gov

Applicant Information

Applicant Name: _____ Number in Household:_____

Home Address: _____ Phone:_____

City: _____State: _____Zip:_____ Email :_____

O Female **O** Male	**Veteran Status**	**Race/Ethnicity**
This garden's primary focus is to provide:	**O** Non-Veteran	**O** Black/African **O** Asian/Pacific
O Availability of Fresh produce	**O** Veteran	**O** Hispanic **O** Native/Eskimo
O Financial stability		**O** White **O** Other

Have you ever grown your own produce? ◯ **No** ◯ Yes

Do you require assistance ◯ No ◯ Yes (if yes, the city will share your contact information with a garden mentor organization).

Do you agree to use these resources to provide food for your household? ◯ No ◯ Yes Initial:_____

Please Describe how you will use these funds: _____

_____

_____

_____

Amount Requested: $_____

Please include recent 1 utility or tax bill with your application to verify residency status.

If Approved, you will receive a voucher to one of the following retailers. Present the voucher during checkout to redeem.

- Retailer 1
- Retailer 2
- Retailer 3

Authorization & Certification

I hereby certify that all information contained in this document and any attachments is true and correct to the best of my knowledge. I understand that this is a federally funded program, and I may have to provide further documentation, receipts and reports confirming these funds were used in accordance with federal guidelines. Failure to do so will constitute a default on a federal debt and may cause me to be debarred from future government assistance.

The city does not warrant or guarantee in any manner that its assistance will result in a successful harvest. I/We specifically waive and release any claims now or in the future regarding the assistance provided by the city and / or its agents.

Applicant Signature: Date

_____

For Office Use Only:

◯ Approved ◯Denied Authorized Official: _____Date: _____

Voucher #_____ Amount approved: $_____

Intake Form

Business & Community Development
60 Court St Auburn, Maine 04210
Phone (207)-333-6601
www.AuburnMaine.Gov

Business Information

Name of Business:_____ Role:_____

Length of Business Ownership: _____Yrs. Percent of Ownership* _____

Previous Year Gross Income:_____Previous year Net Income:_____

***Each individual owning 20% or more of the business must complete a separate form.**

Personal Information

Applicant Name: _____Date of Birth: _____

Home Address: _____

City: _____State: _____Zip:_____ Household Income: _____

Marital Status: **O** Married **O** Unmarried (single/divorced/widowed) Number in Household: _____

Email Address: _____ Phone Number: _____

O Female **O** Male	**Veteran Status**	**Race/Ethnicity**	
Business Income is:	**O** Non-Veteran	**O** Black/African	**O** Asian/Pacific
O Supplementary Income	**O** Veteran	**O** Hispanic	**O** Native/Eskimo
O Sole Source of Income		**O** White	**O** Other

Legal History

Have you ever been convicted of a Felony? ◯ **No** ◯ Yes, Type & Date Filed:_____

Do you have any collection items, child support payments, judgments, or unpaid taxes (personal or business ◯ No ◯ Yes

Are you or your business involved in any pending lawsuits? ◯ No ◯ Yes

Are you a US citizen? ◯ No ◯ Yes Are you a permanent resident alien ◯ No ◯Yes

Authorization & Certification

I authorize the City of Auburn and/or its agents to make any investigations as it relates to my role within this business. I hereby certify that all information contained in this document and any attachments is true and correct to the best of my knowledge. I understand that this is a federally funded program, and I will have to provide further documentation, receipts and reports confirming these funds were used in accordance with federal guidelines. Failure to do so will constitute a default on a federal debt and may cause me to be debarred from future government assistance.

The city does not warrant or guarantee in any manner that its assistance will result in business success. I/We specifically waive and release any claims now or in the future regarding the assistance provided by the city and / or its agents.

Applicant Signature: Date

_____

ORDER 51-04182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the use of $25,000 in ARPA funds for the Auburn Victory Garden Program, which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 18, 2023, **Order:** 52-04182023

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

Subject: Auburn Commercial Agriculture Incentive Program

Information:
The City of Auburn is seeking funds from the American Rescue Plan Act (ARPA) to support establishing the Auburn Commercial Incentive Program. This program is intended to incentivize the creation or expansion of commercial agricultural activity in the city. This forgivable loan program aligns with the city's strategic goal of enhancing access to healthy food choices and promoting existing and new businesses.

City Budgetary Impacts:
This program will not impact the City's Budget as The Office of Business & Community Development is seeking $50,000 in ARPA funds to administer the program.

Staff Recommended Action:
Approve the Order as submitted.

Previous Meetings and History:
City Council Meeting March 20, 2023, during Communications and Presentations, Mayor Leveque proposed action for staff to work from.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Auburn Commercial Agricultural Incentive Program Overview
Program Application
Informational Intake Form

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Auburn Commercial Agriculture Incentive Program

Purpose

The purpose of the Auburn Commercial Agriculture Incentive program is to support the establishment or expansion of local farm and food production operations. This initiative aligns with goals established within the city Comprehensive Plan which aim to "ensure that fresh, local food is equitably accessible to everyone regardless of income or geography" (Objective K.1.1) by "supporting practices that facilitate access to healthy food in residential settings" (Objective K.1.3).

Funding

The City of Auburn may allocate $50,000 from the City ARPA funds for this program to provide funds to approx. ten (10) qualified farming operations. Maximum assistance is $5,000 per operation for approved expenses. Fund requests will provide a detailed budget and explain how this funding will provide a net increase in food production for existing or new farm operations. Funds will be made available as a deferred-payment, 12-month loan. If all conditions are met, the funds will be converted to a grant.

Eligibility

Existing or start-up Auburn based agricultural food producers who derive or will sell at least 25% of their produce locally, are eligible for financial assistance. These include qualified for-profit or non-profit C-corps, S-corps, partnerships, or sole proprietors filing a schedule F on their personal tax returns. The funds may be used to acquire or upgrade equipment, purchase supplies, or expand labor as necessary to improve the selection of healthy food offerings or facilitate greater access to local produce.

Post closing conditions will be reviewed 12 months after closing. If all conditions are met the loan will be converted to a grant. Conditions include copy of 2023 tax returns verifying agriculture based revenue and evidence of on-going operation.

In order to be eligible to receive funds, all property taxes, real and personal, owed on the property that is the subject of the application, must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Sources and Uses	Unit Price	Quantity	Budget
City ARPA Funds =			**$50,000**
Total Uses=			**$50,000**
Program Administration (1 year)			$2,000
Forgivable Loans up to	$5,000.00	*Approx. 10*	$48,000

Application

Applications will be accepted until Nov. 1, 2023, or until all funds are exhausted. The following application will be used to collect all pertinent information and determine eligibility.

Commercial Agriculture Incentive Application

Business & Community Development
60 Court St Auburn, Maine 04210
Phone (207)-333-6601
www.AuburnMaine.Gov

Forgivable Loans not to Exceed $5,000

This Application is for a Forgivable **LOAN** not a grant. Repayment may be required if all conditions are not met.

Business Information

Name of Business: _____ Tax ID # _____
Business Address: _____ Phone # _____
City: _____ State: _____ Zip: _____ email: _____
Legal Entity: ◯ Sole Proprietor ◯ Partnership ◯ LLC ◯ Corporation ◯ **Other**
Length in Business: _____ Yrs Mos _____ **OR** ◯ Startup Principle Owner: _____

*Each individual owning 20% or more of the business must complete a separate Intake Form.

Business Operations

Industry: _____ FT Employees: _____ PT Employees: _____

Description of Business:

_____

Description of Need:

Detailed Use of Funds:

Application Checklist

All Items Are Required to Complete Application

- ☐ Signed Application + Intake from Owners
- ☐ 1 Form of Identification
- ☐ 1 year Business tax returns and/or Personal Tax Return
- ☐

Use of Funds:

Working Capital: $
Inventory/Equipment: $
Total Request: $

Authorization & Certification

I/We agree to use these funds in compliance with the program guidelines established by the City of Auburn. I/We hereby certify that all information contained in this document and any attachments is true and correct to the best of my/our knowledge and that we have not been debarred from receiving federal funds. The city does not warrant or guarantee in any manner that its assistance will result in business success. I/We specifically waive and release any claims now or in the future regarding the assistance provided by the city and / or its agents.

Applicant Signature: Title Date

For Office Use Only:

Loan Terms: 0% Interest 12 months deferred. Post-Closing Conditions Apply

☐ Application Complete Date Received: _____

Approved ☐ **Denied** ☐ **Authorization:** _____ **Date:**

Intake Form

Business & Community Development
60 Court St Auburn, Maine 04210
Phone (207)-333-6601
www.AuburnMaine.Gov

Business Information

Name of Business:_____ Role:_____

Length of Business Ownership: _____Yrs. Percent of Ownership* _____

Previous Year Gross Income:_____Previous year Net Income:_____

***Each individual owning 20% or more of the business must complete a separate form.**

Personal Information

Applicant Name: _____Date of Birth: _____

Home Address: _____

City: _____State: _____Zip:_____ Household Income: _____

Marital Status: **O** Married **O** Unmarried (single/divorced/widowed) Number in Household: _____

Email Address: _____ Phone Number: _____

O Female **O** Male	**Veteran Status**	**Race/Ethnicity**	
Business Income is:	**O** Non-Veteran	**O** Black/African	**O** Asian/Pacific
O Supplementary Income	**O** Veteran	**O** Hispanic	**O** Native/Eskimo
O Sole Source of Income		**O** White	**O** Other

Legal History

Have you ever been convicted of a Felony? ◯ **No** ◯ Yes, Type & Date Filed:_____

Do you have any collection items, child support payments, judgments, or unpaid taxes (personal or business ◯ No ◯ Yes

Are you or your business involved in any pending lawsuits? ◯ No ◯ Yes

Are you a US citizen? ◯ No ◯ Yes Are you a permanent resident alien ◯ No ◯Yes

Authorization & Certification

I authorize the City of Auburn and/or its agents to make any investigations as it relates to my role within this business. I hereby certify that all information contained in this document and any attachments is true and correct to the best of my knowledge. I understand that this is a federally funded program, and I will have to provide further documentation, receipts and reports confirming these funds were used in accordance with federal guidelines. Failure to do so will constitute a default on a federal debt and may cause me to be debarred from future government assistance.

The city does not warrant or guarantee in any manner that its assistance will result in business success. I/We specifically waive and release any claims now or in the future regarding the assistance provided by the city and / or its agents.

Applicant Signature: Date

_____

ORDER 52-04182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the use of $50,000 in ARPA funds for the Auburn Commercial Agriculture Incentive Program, which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

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

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

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

City of Auburn
City Council Information Sheet

First Reading or Meeting Date: April 18, 2023 **Ordinances:** 03-04182023 & 04-04182023

Author: Planning and Permitting Dept.

Subject: First Reading on adding conservation cemetery definition and size requirement as a zoning text amendment.

Information:
On March 28, 2023, Auburn Planning Board held a public hearing on a text amendment for Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.
Planning Board recommended the amendments as suggested, but slightly amended for clarification, adding, "burials in conservation cemeteries consist solely of cremains." Staff believes this change is not substantive enough to require another public hearing.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's findings, discuss, and provide the first reading towards council adoption.

Previous Meetings and History:
March 28, 2023- Planning Board Public Hearing
April 2, 2023- City Council First Reading

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Planning Board positive recommendation, 03/28/2023 staff report, Sec. 60-145 proposed amendment, Sec. 60-2 proposed amendment, petition with signatures.

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on adding conservation cemetery definition and size requirement as a zoning text change

Date: 04/03/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on March 28, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ PETITION/ TEXT AMENDMENT: The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and as shown on the proposed text changes available at https://www.auburnmaine.gov/pages/government/planning-board-agendas and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; Riley Bergeron seconds.

"I make a motion to recommend amending chapter 60 of the city ordinances specifically sec 60-145b8 use regulations and sec 60-2 definitions by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery and adding the definition conservation cemetery to section 60-2 as stated in the petition and included in this meetings materials with the amendment that the definition of conservation cemetery read conservation cemetery means a type of natural cemetery that includes a conservation management plan that holds best practices and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries consist solely of cremains and utilize non-toxic and biodegradable chemicals."

VOTE: 7-0-0 Motion passes.

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

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Public Hearing on petition to change the minimum size requirement for cemeteries and add the definition of conservation cemetery to Chapter 60 of the zoning ordinance.
Date: March 14, 2023

I. PROPOSAL: PUBLIC HEARING/ PETITION/ TEXT AMENDMENT:

The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

II. Materials:

1. March 14, 2023, Staff Report
2. Proposed Text Change: Sec. 60-145. Use regulations.
3. Proposed Text Change: Sec. 60-2. Definitions.
4. Signed Petition

III. Background

Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city (Sec. 60-1445). The City received the completed application with 48 verified signatures on February 10, meeting the requirements of Sec. 60-1446.

Each proposal to change any zoning ordinance text (other than a change of zoning district name or zoning boundary description) shall include the wording then current, the words of change, the wording if so amended and a statement of the reasons for such change, showing how such change would affect the public health, safety, convenience and welfare (Sec. 60-1447).

One of the primary measures of whether a text change is appropriate is conformance with Comprehensive Plan. As the petition states, the proposed change is consistent with the Future Land Use Plan, Agricultural and Resource Protection (AGRP) District, and the Comprehensive Plan.

Currently, cemeteries are an allowed use in the Agricultural and Resource Protection Zone if they are at least 20 acres. This was originally put in place to avoid having many small cemeteries through the city which could become the municipality's responsibility to maintain over time. Allowing a smaller lot size for conservation cemeteries would not increase the burden of eventual maintenance for the city because first, they only bury cremains, which require smaller plot sizes, and they do not require the regular mowing maintenance of traditional cemeteries. Conservation

cemeteries and memorial forests intend that the look and feel of the land be created by nature. Therefore, unlike traditional cemeteries, there are no gravestones or manicured grass. Parking areas are to be of a gravel base and trails are to be woodland and natural.

IV. Planning Board Action

Review the proposed text change pursuant to Chapter Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map, for consistence with the Comprehensive Plan. Hold a Public Hearing and make a motion to approve or deny the proposal.

V. Suggested Motion:

I make a motion to recommend amending Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and included in this meeting's materials.

RECEIVED FEB 10 2023

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Pamela B Rousseau	745 W Auburn Rd Auburn	Pamela B Rousseau
KATHLEEN SHAW	1200 SOPERS MILL RD AUBURN	Kathleen Shaw
DAVID D GRISWOLD	199 GAMAGE AVE AUBURN	David D Griswold
Katherine Boss	7 Morse Street Auburn	Katherine Boss
Cindy Cain	976 Old Danville Rd Auburn	Cindy Cain
Zoe Cain	976 old Danville Road Auburn Me	Zoe Cain
Tanya Vanasse	1160 old Danville Rd. Auburn	
Roger Violette	145 3rd Street Auburn	Roger Violette
Jennifer Marchigiani	98 Summer St Auburn	
MARILYN MAHER	112 Riverside Dr. Auburn	
DIANA IWASZKIEWICZ	110 JACQUES RD AUBURN	
Robert B Neilson JR	1045 OLD DANVILLE RD AUBURN	
Tammy Neilson	1048 Old Danville Rd, Auburn	Tammy

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Holly Lasagna	220 W. Auburn Rd, Auburn	
Peter Lasagna	220 W. Auburn Rd Auburn	
DEBRA PARENT	192 Elgin Ave Auburn	
Martha S Deschaines	16 Davis Ave Auburn	
Gina Melaragno	25 James St. Apt. 3	
ADAM SAMUEL BOSS	7 MORSE ST. AUBURN	
Timothy B MacLeod	210 Gamage Ave Auburn ME	
Tracie MacLeod	210 Gamage Ave Auburn ME	
Rhyanna Larose	164 Bennett ave, Auburn, ME	Rhyanna Larose
Cassidy Cloutier	164 Bennett Ave, Auburn ME	
Kim Chabot	2 grove st Auburn ME	
Susanne Habawski	26 vivian st Auburn ME	

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
PATRICIA J. MELARAGNO	576 Trapp Rd	Patricia J. Melaragno
CHELSEA A. EATON	576 TRAPP ROAD, AUBURN	Chelsea A. Eaton
Michelle Melaragno	576 Trapp Rd	
Mary Sylvester	208 Maple Hill Rd	Mary Sylvester
[illegible] Holmgren	208 Maple Hill Rd.	[illegible] Holmgren
Fred Staine	166 Royal River Rd.	Fred Staine
Joan Tremblay	169 Royal River Rd Auburn	Joan Tremblay
CHRIS CARSON	110 JACQUES RD AUBURN	[illegible]
William Sylvester	1128 Riverside Dr. Auburn	William Sylvester
STANWOOD GRAY	1200 Sopers Mill Rd.	Stanwood J Gray

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Nathaniel Proctor	36 Coachman Ave Auburn ME 04210	Nathaniel Proctor
Rhonda Strong	49 Dee St Auburn Me 04210	Rhonda Strong
Lisa Bilodeau	21 Robin Rd Auburn Me 04210	Lisa Bilodeau
Erin DeRocile	14 Millbrook Ln, Auburn 04210	Erin DeRocile
Kim Lidstone	1820 Peekins Ridge Rd Auburn 04210	Kim Lidstone
Tina M Short	129 East Hardscrabble Rd	Tina M Short
Azure M. Proctor	36 Coachman Ave Auburn ME 04210	Azure M Proctor
Sarah Nichols	200 Townsend Brook Rd	Sarah Nichols
Michelle Greene	36 Crest Ave Auburn ME	Michelle Greene
June Simard	103 Harvest Hill Ln Auburn, ME	June R Simard

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Robert White	95 Woodbury Rd. Auburn	
James A Dalgneault	659 South Main St Auburn	

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Andrew Lewis	6 Morse St	
Andrew Allen	217 Grange Ave	

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

ORDINANCE 03-04182023

City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations

Be it ordained, that the Auburn City Council hereby adopts a Zoning text amendment involving use standards related to conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Sec. 60-145. Use regulations.

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

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.

c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.

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

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

c. At least 10 acres if designated a conservation cemetery.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel can reasonably accommodate the proposed farm.

3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:

4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of

agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

5. The proposed residence shall be accessory to farming.

6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.

e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

ORDINANCE 04-04182023

City Council Ordinance

IN CITY COUNCIL

Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions

Be it ordained, that the Auburn City Council hereby adopts a Zoning text amendment involving definitions for conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions, by adding the definition of Conservation Cemetery to Sec. 60-2 as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

(1) Bed and breakfast homes or inns;

(2) Restaurants, diners or cafes;

(3) Art studios and galleries;

(4) Performing arts centers;

(5) Medical and dental clinics;

(6) Office space;

(7) Municipal and government uses; and

(8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit.*

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a towtruck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or *lodginghouse* means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure*.)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child care home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

(1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.

(2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments, or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Conservation cemetery means a type of natural cemetery that includes a conservation management plan that upholds best practices, and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries utilize non-toxic and biodegradable materials.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or *zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

(1) The sale of greenhouse products and related supplies; and

(2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

(1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or

(2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. Illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

(1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or

(2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft,

technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School.*)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Junkyard or*automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lodge, private. See the term *Club, private.*

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;

(5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

(1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.

(2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

(1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)

(2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

(3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

(4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

(1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;

(2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;

(3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or *earth removing* means the excavation of any earth materials.

Minor arterial highway means the highway that:

(1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;

(2) Provides access to geographic areas smaller than those served by the major arterial highway system; and

(3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

(1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and

(2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeetor trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school.*)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or*office mall* means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

(1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;

(2) A way accepted by the municipal officers of the city;

(3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or

(4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage.*

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or *building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home.*

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or *RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones

that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District.*

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: April 18, 2023 **Order:** 53-04182023

Author: Brian Wood, Assistant City Manager

Subject: Reclamation of East Auburn Tennis Courts

Information:
The City of Auburn in collaboration with the Auburn School District are reclaiming the East Auburn Tennis courts that have fallen into disrepair. This is a joint effort to address an outstanding commitment when the City built these courts with funding and support from the Land and Water Conservation Fund. This project will revive the 2 current tennis courts and provide 4 new pickleball courts by using mixed striping.

City Budgetary Impacts:
ARPA Funds recommended

Staff Recommended Action:
Staff recommends supporting this project

Previous Meetings and History:
N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 53-04182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby directs the City Manager to execute the East Auburn Tennis Court reclamation project. The City Council authorizes up to $95,000 from the American Rescue Plan Act (ARPA) funds in support of this initiative to match the $95,000 allocated by the Auburn School District.

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

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

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

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **March 2023 Financial Report**

DATE: **April 18, 2023**

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

The City has completed its ninth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 75.0% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through March 31st, including the school department, were $86,340,720 or 80.66% of the budget. The municipal revenues including property taxes were $62,551,231, or 88.75% of the budget which is less than the same period last year by 2.07%. Due to the increase in the budgeted estimate for revenues, the percentage is lower, but the dollars collected are higher than the same period last year. The accounts listed below are noteworthy.

A. The current year tax revenue is at 94.31%, the second payment was due March 15th. We are currently $2,127,865 higher than this time last year.

B. Excise tax for the month of March is at 78.54%. This is an increase of $137,548 compared to FY 22.

C. State Revenue Sharing at the end of March is 102.21% or $753,648 more than in FY 22.

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

Expenditures

City expenditures through March 2023 were $39,085,533 or 76.17% of the budget. This is a 3.07% decrease in percentage for the same period last year. Actual dollars spent are higher than last year by $ 1,788,123. Noteworthy variances are:

A. Fiscal Services are higher than last year due to the higher debt service payments than last year.

B. Administration, Community Services, Public Safety and Public Works are higher dollar wise than last year.

Investments

This section contains an investment schedule as of March 31st. Currently the City's funds are earning an average interest rate of 3.24%.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of March 2023, February 2023, and June 2022

	March 31 2023	February 28 2023	Increase (Decrease)	UNAUDITED JUNE 30 2022
ASSETS				
CASH	$ 65,083,908	$ 48,173,422	$ 16,910,486	$ 25,056,314
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	3,072,657	3,009,692	62,965	1,461,282
TAXES RECEIVABLE-CURRENT	2,902,946	19,573,162	(16,670,216)	42,636
DELINQUENT TAXES	453,145	453,215	(70)	395,714
TAX LIENS	599,820	622,951	(23,131)	1,297,627
NET DUE TO/FROM OTHER FUNDS	(25,870,873)	(18,653,109)	(7,217,764)	4,391,622
TOTAL ASSETS	**$ 46,241,603**	**$ 53,179,333**	**$ (6,937,730)**	**$ 32,645,195**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ 21,731	$ 21,198	$ 533	$ (824,510)
PAYROLL LIABILITIES	(191,636)	(50,189)	(141,447)	2,948,844
ACCRUED PAYROLL	-	-	-	(263,746)
STATE FEES PAYABLE	(126,744)	(40,687)	(86,057)	(183)
ESCROWED AMOUNTS	(42,041)	(42,020)	(21)	(40,426)
DEFERRED REVENUE	(3,804,057)	(20,497,437)	16,693,380	(1,585,602)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (4,142,747)**	**$ (20,609,135)**	**$ 16,466,388**	**$ 234,377**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (39,100,040)	$ (29,571,382)	$ (9,528,658)	$ (29,880,756)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (42,098,856)**	**$ (32,570,198)**	**$ (9,528,658)**	**$ (32,879,572)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (46,241,603)**	**$ (53,179,333)**	**$ 6,937,730**	**$ (32,645,195)**

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

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAR 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 52,463,320	$ 49,477,540	94.31%	$ 50,042,450	$ 47,349,675	94.62%	$ 2,127,865
PRIOR YEAR TAX REVENUE	$ -	$ 692,123		$ -	$ 513,399		$ 178,724
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,322,921	74.74%	$ 1,650,000	$ 1,290,048	78.18%	$ 32,873
EXCISE	$ 4,435,000	$ 3,483,266	78.54%	$ 4,425,000	$ 3,345,718	75.61%	$ 137,548
PENALTIES & INTEREST	$ 120,000	$ 54,845	45.70%	$ 120,000	$ 81,393	67.83%	$ (26,548)
TOTAL TAXES	$ 58,788,320	$ 55,030,695	93.61%	$ 56,237,450	$ 52,580,233	93.50%	$ 2,450,462
LICENSES AND PERMITS							
BUSINESS	$ 190,000	$ 234,080	123.20%	$ 166,000	$ 233,451	140.63%	$ 629
NON-BUSINESS	$ 195,250	$ 265,174	135.81%	$ 300,200	$ 307,769	102.52%	$ (42,595)
TOTAL LICENSES	$ 385,250	$ 499,254	129.59%	$ 466,200	$ 541,220	116.09%	$ (41,966)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ 419,744	104.94%	$ 390,000	$ 421,592	108.10%	$ (1,848)
STATE REVENUE SHARING	$ 4,504,100	$ 4,603,571	102.21%	$ 3,150,000	$ 3,849,923	122.22%	$ 753,648
WELFARE REIMBURSEMENT	$ 83,912	$ 79,233	94.42%	$ 90,656	$ 34,414	37.96%	$ 44,819
OTHER STATE AID	$ 32,000	$ 3,403	10.63%	$ 32,000	$ 15,763	49.26%	$ (12,360)
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 228,384	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 5,202,012	$ 5,105,950	98.15%	$ 3,891,040	$ 4,321,692	111.07%	$ 784,258
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 361,400	$ 98,422	27.23%	$ 184,400	$ 125,813	68.23%	$ (27,391)
PUBLIC SAFETY	$ 30,800	$ 77,936	253.04%	$ 176,600	$ 121,029	68.53%	$ (43,093)
EMS TRANSPORT	$ 1,350,000	$ 1,213,462	89.89%	$ 1,250,000	$ 1,119,331	89.55%	$ 94,131
TOTAL CHARGE FOR SERVICES	$ 1,742,200	$ 1,389,820	79.77%	$ 1,611,000	$ 1,366,173	84.80%	$ 23,647
FINES							
PARKING TICKETS & MISC FINES	$ 28,000	$ 19,880	71.00%	$ 41,500	$ 36,769	88.60%	$ (16,889)
MISCELLANEOUS							
INVESTMENT INCOME	$ 30,000	$ 74,384	247.95%	$ 40,000	$ 19,348	48.37%	$ 55,036
RENTS	$ 75,000	$ 11,732	15.64%	$ 125,000	$ 13,661	10.93%	$ (1,929)
UNCLASSIFIED	$ 20,000	$ 160,101	800.51%	$ 20,000	$ 28,102	140.51%	$ 131,999
COMMERCIAL SOLID WASTE FEES	$ -	$ 39,230		$ -	$ 37,779		$ 1,451
SALE OF PROPERTY	$ 100,000	$ 1,849	1.85%	$ 120,000	$ 33,577	27.98%	$ (31,728)
MMWAC HOST FEES	$ 240,000	$ 174,083	72.53%	$ 234,000	$ 174,083	74.39%	$ 0
TRANSFER IN: TIF	$ 1,140,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 619,000	$ -	0.00%	$ 473,925	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		$ 37,095					
CDBG	$ 588,154	$ -	0.00%	$ 252,799	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ 7,156	35.78%	$ 20,000	$ 13,854	69.27%	$ (6,698)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 475,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,332,154	$ 505,631	11.67%	$ 2,900,724	$ 320,404	11.05%	$ 148,132
TOTAL GENERAL FUND REVENUES	**$ 70,477,936**	**$ 62,551,231**	88.75%	**$ 65,147,914**	**$ 59,166,491**	90.82%	**$ 3,347,645**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 34,826,024	$ 23,470,665	67.39%	$ 28,900,061	$ 22,430,127	77.61%	$ 1,040,538
EDUCATION	$ 489,465	$ 290,030	59.25%	$ 518,821	$ 561,031	108.14%	$ (271,001)
SCHOOL FUND BALANCE CONTRIBUTION	$ 1,251,726	$ 28,794	2.30%	$ 879,404	$ -	0.00%	$ 28,794
TOTAL SCHOOL	$ 36,567,215	$ 23,789,489	65.06%	$ 30,298,286	$ 22,991,158	75.88%	$ 798,331
GRAND TOTAL REVENUES	**$ 107,045,151**	**$ 86,340,720**	**80.66%**	**$ 95,446,200**	**$ 82,157,649**	**86.08%**	**$ 4,145,976**

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

DEPARTMENT	FY 2023 BUDGET	EXP THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	EXP THRU MAR 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 170,500	$ 150,683	88.38%	$ 104,850	$ 97,813	93.29%	$ 52,870
CITY MANAGER	$ 510,978	$ 331,768	64.93%	$ 447,401	$ 348,011	77.79%	$ (16,243)
COMMUNICATIONS & ENGAGEMENT	$ 218,746	$ 123,498	56.46%	$ 911,637	$ 797,541	87.48%	$ (674,043)
CITY CLERK	$ 257,506	$ 197,998	76.89%	$ 237,474	$ 173,322	72.99%	$ 24,676
FINANCIAL SERVICES	$ 1,138,802	$ 875,762	76.90%	$ 810,303	$ 575,845	71.07%	$ 299,917
HUMAN RESOURCES	$ 222,099	$ 161,036	72.51%	$ 220,250	$ 155,692	70.69%	$ 5,344
INFORMATION TECHNOLOGY	$ 827,000	$ 611,784	73.98%		$ -		$ 611,784
TOTAL ADMINISTRATION	$ 3,345,631	$ 2,452,529	73.31%	$ 2,731,915	$ 2,148,224	78.63%	$ 304,305
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 666,629	$ 544,487	81.68%	$ 900,583	$ 599,006	66.51%	$ (54,519)
ECONOMIC DEVELOPMENT	$ 286,598	$ 207,315	72.34%	$ 108,469	$ 86,678	79.91%	$ 120,637
BUSINESS & COMMUNITY DEVELOPMENT	$ 671,411	$ 211,598	31.52%	$ 512,260	$ 208,298	40.66%	$ 3,300
HEALTH & SOCIAL SERVICES	$ 119,875	$ 150,357	125.43%	$ 119,875	$ 74,134	61.84%	$ 76,223
RECREATION & SPORTS TOURISM	$ 762,440	$ 468,793	61.49%	$ 584,056	$ 429,551	73.55%	$ 39,242
PUBLIC LIBRARY	$ 1,084,437	$ 632,590	58.33%	$ 1,052,163	$ 789,122	75.00%	$ (156,532)
TOTAL COMMUNITY SERVICES	$ 3,591,390	$ 2,215,140	61.68%	$ 3,277,406	$ 2,186,789	66.72%	$ 28,351
FISCAL SERVICES							
DEBT SERVICE	$ 8,361,254	$ 8,394,861	100.40%	$ 7,734,169	$ 7,629,420	98.65%	$ 765,441
CAPITAL INVESTMENT & PURCHASING	$ 672,473	$ 438,842	65.26%	$ 677,872	$ 487,732	71.95%	$ (48,890)
WORKERS COMPENSATION	$ 698,000	$ 698,000	100.00%	$ 642,400	$ 642,400	100.00%	$ 55,600
WAGES & BENEFITS	$ 7,876,393	$ 4,924,603	62.52%	$ 7,334,932	$ 4,871,295	66.41%	$ 53,308
EMERGENCY RESERVE (10108062-670000)	$ 461,230	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,069,350	$ 14,456,306	80.00%	$ 16,850,603	$ 13,630,847	80.89%	$ 825,459
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 5,693,284	$ 4,164,918	73.15%	$ 5,446,588	$ 4,278,854	78.56%	$ (113,936)
POLICE DEPARTMENT	$ 4,945,034	$ 3,529,083	71.37%	$ 4,343,924	$ 3,358,372	77.31%	$ 170,711
TOTAL PUBLIC SAFETY	$ 10,638,318	$ 7,694,001	72.32%	$ 9,790,512	$ 7,637,226	78.01%	$ 56,775
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 5,600,109	$ 4,037,298	72.09%	$ 5,077,370	$ 3,802,104	74.88%	$ 235,194
SOLID WASTE DISPOSAL*	$ 1,320,000	$ 830,448	62.91%	$ 1,089,950	$ 647,957	59.45%	$ 182,491
WATER AND SEWER	$ 792,716	$ 585,902	73.91%	$ 792,716	$ 585,902	73.91%	$ -
TOTAL PUBLIC WORKS	$ 7,712,825	$ 5,453,648	70.71%	$ 6,960,036	$ 5,035,963	72.36%	$ 417,685
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 206,005	100.49%	$ 177,000	$ 180,092	101.75%	$ 25,913
E911 COMMUNICATION CENTER	$ 1,217,713	$ 913,285	75.00%	$ 1,161,479	$ 871,109	75.00%	$ 42,176
LATC-PUBLIC TRANSIT	$ 431,811	$ 431,811	100.00%	$ 225,000	$ 118,715	52.76%	$ 313,096
LA ARTS	$ 30,000	$ 22,500		$ 10,000	$ 10,000		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,144,524	$ 1,573,601	73.38%	$ 1,833,479	$ 1,179,916	64.35%	$ 393,685
COUNTY TAX	$ 2,761,220	$ 2,761,220	100.00%	$ 2,611,080	$ 2,611,080	100.00%	$ 150,140
TIF (10108058-580000)	$ 3,049,803	$ 2,479,088	81.29%	$ 3,049,803	$ 2,867,365	94.02%	$ (388,277)
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 51,313,061**	**$ 39,085,533**	**76.17%**	**$ 47,104,834**	**$ 37,297,410**	**79.18%**	**$ 1,788,123**
EDUCATION DEPARTMENT	$ 55,732,090	$ 28,870,222	51.80%	$ 48,341,366	$ 24,667,380	51.03%	$ 4,202,842
TOTAL GENERAL FUND EXPENDITURES	**$ 107,045,151**	**$ 67,955,755**	**63.48%**	**$ 95,446,200**	**$ 61,964,790**	**64.92%**	**$ 5,990,965**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF March 31, 2023

INVESTMENT		FUND	BALANCE March 31, 2023	BALANCE February 28, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 11,170,041.94	$ 11,170,041.94	**0.80%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,053,460.33	$ 1,053,460.33	**0.80%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 13,478,584.10	$ 13,478,584.10	**0.80%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 52,815.77	$ 52,815.77	**0.80%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 341,490.20	$ 341,490.20	**0.80%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 227,831.35	$ 227,831.35	**0.80%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 468,957.49	$ 468,957.49	**0.80%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 835,968.36	$ 835,968.36	**0.80%**
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	$ 15,450.87	$ 15,450.87	**0.80%**
NOMURA 2		ELHS Bond Proceeds	$ 41,148,609.00	$ 41,148,609.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.20%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.30%**
GRAND TOTAL			**$ 72,793,209.41**	**$ 71,793,209.41**	**3.24%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2022 - June 30, 2023
Report as of March 28, 2023

	Beginning Balance 3/1/2023	March 2023 New Charges	Payments	Refunds	Adjustments	Write-Offs	Ending Balance 3/31/2023
Bluecross	**$ 9,917.96**	$ 13,676.80	$ (8,429.31)		$ (1,538.14)		**$ 13,627.31**
Intercept	**$ 400.00**	$ 100.00	$ (200.00)				**$ 300.00**
Medicare	**$ 183,040.02**	$ 196,522.60	$ (62,985.49)		$ (192,774.50)	$ (15,903.35)	**$ 107,899.28**
Medicaid	**$ 34,255.63**	$ 77,619.20	$ (82,084.57)		$ 18,268.70		**$ 48,058.96**
Other/Commercial	**$ 93,325.86**	$ 20,282.80	$ (25,936.45)		$ (2,937.33)		**$ 84,734.88**
Patient	**$ 104,424.73**	$ 30,303.00	$ (16,629.58)	$ 210.44	$ 24,831.52		**$ 143,140.11**
Worker's Comp	**$ 290.00**	$ 2,789.00	$ (7,461.60)		$ (179.29)		**$ (4,561.89)**
TOTAL	**$ 425,654.20**	**$ 341,293.40**	**$ (203,727.00)**	**$ 210.44**	**$ (154,329.04)**	**$ (15,903.35)**	**$ 393,198.65**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2022 - June 30, 2023
Report as of March 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Totals	% of Total
Bluecross	$ 2,477.35	$ 13,307.40	$ 13,596.80	$ 13,635.40	$ 10,192.40	$ 11,633.60	$ 13,907.00	$ 12,001.00	$ 13,676.80	$ 104,427.75	3.85%
Intercept	$ 100.00	$ -	$ 100.00	$ 200.00	$ 200.00	$ 300.00	$ 200.00	$ 200.00	$ 100.00	$ 1,400.00	0.05%
Medicare	$ 155,398.20	$ 205,712.40	$ 155,567.20	$ 163,526.80	$ 154,190.50	$ 190,431.40	$ 216,896.50	$ 138,902.80	$ 196,522.60	$ 1,577,148.40	58.21%
Medicaid	$ 61,000.80	$ 82,386.60	$ 63,625.60	$ 50,457.40	$ 68,679.75	$ 51,541.80	$ 65,923.00	$ 49,823.00	$ 77,619.20	$ 571,057.15	21.08%
Other/Commercial	$ 38,520.45	$ 50,549.60	$ 28,756.00	$ 21,232.20	$ 18,577.60	$ 28,491.40	$ 26,074.30	$ 31,940.20	$ 20,282.80	$ 264,424.55	9.76%
Patient	$ 8,120.20	$ 12,558.80	$ 18,008.60	$ 32,205.60	$ 18,078.20	$ 18,295.40	$ 19,672.25	$ 19,312.40	$ 30,303.00	$ 176,554.45	6.52%
Worker's Comp	$ 1,803.40	$ 3,664.60	$ -	$ 827.00	$ 1,805.20	$ 1,720.60	$ 1,974.60	$ -	$ 2,789.00	$ 14,584.40	0.54%
TOTAL	$ 267,420.40	$ 368,179.40	$ 279,654.20	$ 282,084.40	$ 271,723.65	$ 302,414.20	$ 344,647.65	$ 252,179.40	$ 341,293.40	$ 2,709,596.70	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2022 - June 30, 2023
Report as of March 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Totals	% of Total
Bluecross	3	13	14	14	11	12	14	12	14	107	3.57%
Intercept	1	0	1	2	2	3	2	2	1	14	0.47%
Medicare	170	231	170	180	170	205	237	163	226	1752	58.42%
Medicaid	65	88	69	55	77	57	75	55	87	628	20.94%
Other/Commercial	43	54	30	23	21	33	32	37	21	294	9.80%
Patient	10	13	19	34	20	18	21	22	31	188	6.27%
Worker's Comp	2	4		1	2	2	2	0	3	16	0.53%
TOTAL	294	403	303	309	303	330	383	291	383	2999	100.00%

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

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1928 Vending	1929 Fire Prevention	1931 Donations	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2010 State Drug Money	2011 PD Capital Reserve	2013 OUI Grant	2014 Speed Grant	2016 Pedestrian Safety
Fund Balance 7/1/22	$ 517,052.67	$ 6,919.98	$ 34,914.39	$ 1,421.68	$ 3,039.35	$ -	$ 4,796.03	$ 169.19	$ 2,808.57	$ 79,868.61	$ (153,799.68)	$ 4,289.65	$ 23,595.00	$ 4,356.29	$ 5,520.52	$ 409.11
Revenues FY23	$ 57,054.50	$ 1,286.95	$ 1,333.15		$ 7,565.00	$ 100.00				$ 200,100.00	$ 101,027.87	$ 45.00	$ 11,148.75		$ 3,818.51	$ 1,053.34
Expenditures FY23	$ 159,120.00	$ 950.00	$ 386.10		$ 3,821.72	$ 765.59		$ 382.50		$ 359,965.49	$ 24,660.71	$ 2,799.34	$ -		$ 3,414.26	$ 917.14
Fund Balance 3/31/2023	**$ 414,987.17**	**$ 7,256.93**	**$ 35,861.44**	**$ 1,421.68**	**$ 6,782.63**	**$ (665.59)**	**$ 4,796.03**	**$ (213.31)**	**$ 2,808.57**	**$ (79,996.88)**	**$ (77,432.52)**	**$ 1,535.31**	**$ 34,743.75**	**$ 4,356.29**	**$ 5,924.77**	**$ 545.31**

	2018 Nat Opioid Settlement	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2050 Project Lifesaver	2051 Project Canopy
Fund Balance 7/1/22	$ -	$ (8,205.29)	$ 1,069,816.45	$ 30,822.46	$ -	$ 46,171.40	$ 2,560.00	$ 8,281.24	$ 20,536.23	$ 22,850.45	$ (930.00)	$ 92,332.26	$ (1,695.00)	$ -	$ 189.35	$ (9,519.48)
Revenues FY23	$ 211,035.72		$ 747,435.63	$ 119.34	$ 31,165.02	$ 109,936.50		$ 2,288.40		$ 3,360.73	$ 930.00	$ 25,242.80	$ 49,569.53	$ 12,000.00		$ 7,996.88
Expenditures FY23			$ 908,857.28	$ 562.00	$ 104.71	$ 134,315.49		$ 4,122.14		$ 4,223.52		$ 3,651.12	$ 49,569.53	$ 9,786.95		
Fund Balance 3/31/2023	**$ 211,035.72**	**$ (8,205.29)**	**$ 908,394.80**	**$ 30,379.80**	**$ 31,060.31**	**$ 21,792.41**	**$ 2,560.00**	**$ 6,447.50**	**$ 20,536.23**	**$ 21,987.66**	**$ -**	**$ 113,923.94**	**$ (1,695.00)**	**$ 2,213.05**	**$ 189.35**	**$ (1,522.60)**

	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME-PAL	2059 Distracted Driving	2067 Hometown Heros Banners	2068 Northern Borders Grant	2070 Leadercast	2077 CTCI Gramt	2080 Futsol Court Project	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation
Fund Balance 7/1/22	$ 21,359.27	$ 170,048.62	$ 4,911.03	$ 898.69	$ 209.00	$ 178,046.71	$ (3,500.00)	$ 1,719.02	$ 25,353.61	$ 12,716,078.13	$ (1,443.69)	$ 10,000.00	$ 232,365.87
Revenues FY23	$ (135.27)	$ 176,496.20		$ 508.14						$ 291,159.17	$ 13,491.68	$ 82,000.00	$ 327,767.78
Expenditures FY23			$ -	$ 604.26				$ 481.25		$ 1,299,150.23	$ 16,703.17		$ 385,686.80
Fund Balance 3/31/2023	**$ 21,224.00**	**$ 346,544.82**	**$ 4,911.03**	**$ 802.57**	**$ 209.00**	**$ 178,046.71**	**$ (3,500.00)**	**$ 1,237.77**	**$ 25,353.61**	**$ 11,708,087.07**	**$ (4,655.18)**	**$ 92,000.00**	**$ 174,446.85**	**$ -**

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues
Fund Balance 7/1/22	**$ 78,950.70**	**$ 806,274.01**	**$ 237,684.12**	**$ (519,427.49)**	**$ 455,494.65**	**$ (900,465.25)**	**$ (0.03)**	**$ (2,663.69)**	$ 1,120.91	$ 50,241.31	$ 84,060.95	$ 33,113.81	$ 13,914.35	$ (102,204.06)	$ -	$ 15,400,711.98
Revenues FY23	$ 190,974.78		$ 865,341.00	$ 157,316.00	$ 294,264.43	$ 448,773.33	$ 48,589.45	$ 30,616.50	$ 56,495.08	$ 48,218.63	$ 96,002.45	$ 113,293.40	$ 35,248.40	$ 34,426.44	$ 59,527.65	$ 4,955,988.86
Expenditures FY23			$ 307,083.16	$ 265,100.00	$ 69,152.14	$ 105,461.73	$ 14,576.84		$ 28,247.54	$ 12,054.66	$ 24,000.61	$ 155,062.34	$ 17,624.20	$ 6,034.48		$ 4,379,399.00
Fund Balance 3/31/2023	**$ 269,925.48**	**$ 806,274.01**	**$ 795,941.96**	**$ (627,211.49)**	**$ 680,606.94**	**$ (557,153.65)**	**$ 34,012.58**	**$ 27,952.81**	**$ 29,368.45**	**$ 86,405.28**	**$ 156,062.79**	**$ (8,655.13)**	**$ 31,538.55**	**$ (73,812.10)**	**$ 59,527.65**	$ 15,977,301.84

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

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

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

INGERSOLL TURF FACILITY

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

Current Assets:
As of the end of March 2023 the total current assets of Ingersoll Turf Facility were $305,583. This consisted of cash and cash equivalents an increase from February of $21,917.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of March 31, 2023, were $61,779.

Liabilities:
Ingersoll had no accounts payable as of March 31, 2023.

Statement of Activities:

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

The operating revenues for Ingersoll Turf Facility through March 2023 are $132,563. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through March 2023 were $28,715. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of March 2023, Ingersoll has an operating gain of $103,848 compared to $81,931 in February an increase in the gain of $21,917.

As of March 31, 2023, Ingersoll has an increase in net assets of $103,848.

The budget to actual reports for revenue and expenditures, show that the revenue for FY23 compared to FY 22.

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

		March 31, 2023	February 28, 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 228,015	$ 227,831	$ 184
Interfund receivables/payables		$ 77,568	$ 55,835	21,733
Accounts receivable		-	-	-
	Total current assets	305,583	283,666	21,917
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(748,757)	(748,757)	-
	Total noncurrent assets	61,779	61,779	-
	Total assets	367,362	345,445	21,917
LIABILITIES				
Accounts payable		$ -	$ -	-
Interfund payable		$ -	$ -	-
Total liabilities		-	-	-
NET ASSETS				
Invested in capital assets		$ 61,779	$ 61,779	$ -
Unrestricted		$ 305,583	$ 283,666	$ 21,917
Total net assets		**$ 367,362**	**$ 345,445**	**$ 21,917**

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

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 132,563
Operating expenses:	
Personnel	490
Supplies	12,448
Utilities	
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	15,777
Other expenses	
Total operating expenses	28,715
Operating gain (loss)	103,848
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
Total nonoperating expense	-
Gain (Loss) before transfer	103,848
Transfers out	-
Change in net assets	103,848
Total net assets, July 1	263,514
Total net assets, March 31, 2023	**$ 367,362**

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

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAR 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 2,500		$ 25,000	$ 9,775	39.10%
Batting Cages		$ 9,330		$ 16,000	$ 16,116	100.73%
Programs		$ 27,953		$ 94,000	$ 45,360	48.26%
Rental Income		$ 69,108		$ 138,000	$ 90,362	65.48%
TOTAL CHARGE FOR SERVICES	$ -	$ 108,891		$ 273,000	$ 161,613	59.20%
INTEREST ON INVESTMENTS	$ -	$ 815		$ -	$ 445	
GRAND TOTAL REVENUES	**$ -**	**$ 109,706**		**$ 273,000**	**$ 162,058**	**59.36%**

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

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU MAR 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			$ 133,041	$ 73,019	54.88%	$ (73,019)
Purchased Services		$ 490		$ 15,750	$ 4,846	30.77%	$ (4,356)
Programs		$ 11,508		$ 16,300	$ -	0.00%	$ 11,508
Supplies				$ 2,500	$ 14,903	596.12%	$ (14,903)
Utilities				$ 24,150	$ 17,787	73.65%	$ (17,787)
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 15,777		$ -	$ 5,556		$ 10,221
	$ -	$ 27,775		$ 191,741	$ 116,111	60.56%	$ (88,336)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 27,775**		**$ 191,741**	**$ 116,111**	**60.56%**	**$ (88,336)**

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

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

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

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities, and net assets and shows a comparison to the previous month, in this case, February 28, 2023.

Current Assets:
As of the end of March 2023 the total current assets of Norway Savings Bank Arena were ($1,242,536). These consisted of cash and cash equivalents of $281,010, accounts receivable of $131,143, and an interfund payable of $1,654,689.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of March 31, 2023 was $147,691.

Liabilities:
Norway Arena had no accounts payable as of March 31, 2023.

Statement of Activities:

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

The operating revenues for Norway Arena through March 2023 are $702,427. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

The operating expenses for Norway Arena through March 2023 were $561,422. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

At the end of March 2023, there was an operating gain of $141,005.

As of March 31, 2023, Norway Arena has an increase in net assets of $141,005.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $6,921 more than in FY22 and expenditures in FY23 are $25,426 more than last year in February.

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

		March 31 2023	February 28 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 281,010	$ 281,140	$ (130)
Interfund receivables		$ (1,654,689)	$ (1,811,720)	$ 157,031
Prepaid Rent				$ -
Accounts receivable		131,143	190,673	$ (59,530)
	Total current assets	(1,242,536)	(1,339,907)	97,371
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		514,999	514,999	-
Land improvements		-	-	-
Less accumulated depreciation		(425,531)	(425,531)	-
	Total noncurrent assets	147,691	147,691	-
	Total assets	(1,094,845)	(1,192,216)	97,371
LIABILITIES				
Accounts payable		$ -	$ -	$ -
Net OPEB liability		$ 43,810	$ 43,810	$ -
Net pension liability		42,634	42,634	-
Total liabilities		86,444	86,444	-
NET ASSETS				
Invested in capital assets		$ 147,691	$ 147,691	$ -
Unrestricted		$ (1,328,980)	$ (1,426,351)	$ 97,371
Total net assets		**$ (1,181,289)**	**$ (1,278,660)**	**$ 97,371**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
February 28, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 702,427
Operating expenses:	
Personnel	287,797
Supplies	35,116
Utilities	102,848
Repairs and maintenance	47,427
Insurance Premium	33,538
Depreciation	-
Capital expenses	29,056
Other expenses	25,640
Total operating expenses	561,422
Operating gain (loss)	141,005
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	141,005
Transfers out	-
Change in net assets	141,005
Total net assets, July 1	(1,322,294)
Total net assets, February 28, 2023	**$ (1,181,289)**

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

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAR 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500	$ 14,250	86.36%	$ (14,250)
Skate Rentals	$ 6,000	$ 2,430	40.50%	$ 6,000	$ 425	7.08%	$ 2,005
Pepsi Vending Machines	$ 2,000	$ 1,348	67.40%	$ 2,000	$ 782	39.10%	$ 566
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ 1,093	36.43%	$ (1,093)
Vending Food	$ 2,000	$ 733	36.65%	$ 2,000	$ 148	7.40%	$ 585
Sponsorships	$ 230,000	$ 134,382	58.43%	$ 185,000	$ 132,664	71.71%	$ 1,718
Pro Shop	$ 7,000	$ 4,095	58.50%	$ 7,000	$ 4,622	66.03%	$ (527)
Programs	$ 20,000		0.00%	$ 20,000	$ 2,370	11.85%	$ (2,370)
Rental Income	$ 702,000	$ 471,924	67.23%	$ 683,500	$ 483,613	70.76%	$ (11,689)
Camps/Clinics	$ 50,000	$ 21,010	42.02%	$ 50,000	$ 24,860	49.72%	$ (3,850)
Tournaments	$ 50,000	$ 66,505	133.01%	$ 50,000	$ 30,679	61.36%	$ 35,826
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 702,427	64.53%	$ 1,025,000	$ 695,506	67.85%	$ 6,921

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

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU MAR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU MAR 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 287,797	98.87%	$ 339,437	$ 210,351	61.97%	$ 77,446
Purchased Services	$ 136,900	$ 80,965	59.14%	$ 123,928	$ 89,998	72.62%	$ (9,033)
Supplies	$ 76,562	$ 60,756	79.36%	$ 79,000	$ 48,743	61.70%	$ 12,013
Utilities	$ 267,000	$ 102,848	38.52%	$ 250,350	$ 186,904	74.66%	$ (84,056)
Capital Outlay	$ 50,000	$ 29,056	58.11%	$ 42,500	$ -	0.00%	$ 29,056
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 561,422	68.34%	$ 835,215	$ 535,996	64.17%	$ 25,426
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 561,422**	**68.34%**	**$ 835,215**	**$ 535,996**	**64.17%**	**$ 25,426**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date:

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date:

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Workshop & Meeting
Agenda
May 1, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. FY24 Budget Discussion – Phil Crowell
B. Lake Auburn Discussion – Eric Cousens
C. Executive Session - Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.
D. Executive Session - Economic Development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 55-05012023*
Authorizing the City Clerk to waive the $60 Temporary Food Service fee for Phoenix No Limits Karate for a fundraising event to be held on June 11, 2023.

2. Order 56-05012023*
Authorizing the City Clerk to waive the $60 Temporary Food Service fee for the Auburn Exchange Club for the Lobster Festival Event to be held on May 6, 2023.

3. Order 57-05012023*
Accepting the transfer of forfeiture assets ($490.00 and a Ruger .380 caliber semi-automatic pistol (Serial #372358035) to Auburn Police Department.

II. Minutes – April 18, 2023, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Council Communications (about and to the community)

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

V. Unfinished Business

1. Ordinance 03-04182023
Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery. Public hearing and second reading.

2. Ordinance 04-04182023
Amending Chapter 60 of the City Ordinances, Sec. 60-2. Definitions, by adding the definition of conservation cemetery. Public hearing and second reading.

VI. New Business

1. Order 58-05012023
Authorizing the City's general obligation bonds in the amount of $13,000,000.00 to finance the City's FY24 Capital Improvement Program. Public hearing and first reading. ***Passage requires an affirmative vote of 5 Councilors at the second reading.***

2. Resolve 01-05012023
Adopting the Appropriations Resolve for Fiscal Year 2024. Public hearing and first reading. ***Passage requires an affirmative vote of 4 Councilors at the second reading***.

3. Resolve 02-05012023
Supporting Congressman Golden's initiative for a federal budget agreement that would begin dealing with the serious problem of ongoing federal deficits.

4. Order 59-05012023
Modifying the Auburn-Lewiston Airport interlocal agreement.

5. Order 60-05012023
Reallocating unspent proceeds from the City's 2020 General Obligation Bonds. First reading. ***Passage requires an affirmative vote of 5 Councilors at the second reading.***

6. Public hearing – Public hearing to receive comments for Program Year 2023, CDBG & HOME Annual Action Plan.

7. Order 61-05012023
Adopting the CDBG/HOME Program Year 2023 Annual Action Plan.

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

VIII. Reports (from sub-committees to Council)

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

IX. Executive Sessions

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023

Author: Sue Clements-Dallaire, City Clerk

Subject: FY Budget Discussion

Information: City Manager Crowell will provide an update and follow up on the budget discussion that took place at the 4/24/2023 City Council workshop.

City Budgetary Impacts: TBD

Staff Recommended Action: Discussion

Previous Meetings and History: 3-6-2023, 3-20-2023, 4-3-2023, 4-24-2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Lake Auburn Watershed Ordinance Updates

Information: The City has been working on water quality and drinking water protection with a focus on land-based Best Management Practices (BMPs) for watershed protection. The discussion has been ongoing and has evolved over the past year, most recently with the Council adding setbacks from the lake for new SSWW Disposal systems, regardless of soil types and a prohibition of housing and animal farms in the Agriculture and Resource Protection zoned parts (73% of the watershed lands in Auburn) of the Lake Auburn Watershed. This workshop is a chance to go over the list of changes and confirm that we are ready to draft the final text including all of the proposed changes and resume the discussion with Planning Board in June to bring recommendations back to Council for final decisions after that. Although some of the changes have been to Planning Board, our Counsel recommends a Public Hearing that includes all of the changes for each zoning division so they can be considered as a whole.

City Budgetary Impacts: Staff Time.

Staff Recommended Action: Discuss and provide feedback for staff to prepare for Planning Board Public Hearings.

Previous Meetings and History: Many meetings during 2021 and 2022

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Staff Report and summary of adopted and proposed changes.

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

To: Auburn City Council
From: Eric J. Cousens, Planning and Permitting
Re: Lake Auburn Watershed Workshop Update
Date: May 1, 2023

The City has been working on water quality and drinking water protection with a focus on land-based Best Management Practices (BMPs) for watershed protection for the communities of Auburn and Lewiston. The approach has been through transparent science-based, easier to understand watershed regulation that reduces development potential, requires improved stormwater and wastewater treatment which result in reducing phosphorus, nitrogen, nitrates, untreated wastewater and sediment entering Lake Auburn. The efforts have been drawn from expert opinions to form the recommended changes to date.

The City of Auburn has involved Lake Auburn Watershed Protection Commission (LAWPC), Lewiston Water Division (LWD) and Auburn Water District (AWD) staff and boards in discussions and worked through a set of proposed ordinance and map changes that keep clean public drinking water as the utmost importance while trying to form a holistic approach to surface water protection and best land use practices within the watershed. Strategies include hosting public meetings to have an open dialogue about the challenges, shortcomings and water quality issues that have existed in the Lake Auburn Watershed under current ordinances and land-uses. The results have included introducing updated septic, density, watershed boundary, phosphorus, land-use prohibitions and real estate requirements to make this a multi-prong approach to public water supply protection and a cleaner Lake Auburn.

The City of Auburn has long been criticized for watershed protections that are not easy for residents to understand and for using subsurface wastewater rules to control density of development when density can be effectively controlled by lot size and zoning in a way that is easier to understand, measurable and more transparent. The existing ordinances have further been criticized by experts as counterproductive to watershed protection based on the changing science and understanding of wastewater disposal that has evolved from the goal of making wastewater disappear underground for dilution in groundwater to an understanding the soil science of wastewater treatment

or renovation before it enters the water table. This evolution of wastewater science is important, and our ordinance currently requires systems that do not treat wastewater to the extent that it can be treated with improved systems; more on this from David Rocque, Retired State Soil Scientist, Licensed Site Evaluator and well-known expert on soils and wastewater disposal in Maine, is available here: Lake Auburn Watershed Wastewater Disposal Ordinance Concerns.pdf (auburnmaine.gov) The City further intends to encourage the AWD, LWD and LAWPC to implement Environmental protections in upper watershed towns, however, weaknesses in existing ordinances make implementing similar controls in the upper watershed difficult to justify and unlikely to succeed. This letter is intended to summarize and then resume those discussions with LAWPC Staff and Commissioners.

In 2019 The City of Auburn Council reviewed previous studies including the 2010 Lake Auburn Watershed Management Plan (lakeauburnwater.org) and identified several recommendations that have not been completed. The City of Auburn City Council chose to hire FB Environmental, a qualified well known environmental consultant, to analyze existing plans, model the water quality impacts of the existing conditions, ordinances and model existing development impacts currently allowed to compare to scenarios that include changes to existing ordinances within the Auburn portions of the watershed. Their report is available here: A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine(auburnmaine.gov) The City has proceeded to implement some of the recommended changes that recognize new information or advances in science related to watershed protection and either promote transparency and understanding and that improve environmental protections within the Lake Auburn watershed and most importantly **do not** increase development potential within the actual watershed. The process has included attending LAWPC meetings, well attended public forums advertised as Community Conversations and numerous public workshops and public hearings with the Auburn Planning Board and City Council.

Staff intends to resume this discussion with the Planning Board in June to review the changes and hold a public hearing on the final draft of the proposed ordinance text amendments. A zoning map amendment to the Lake Auburn Watershed Overlay map will also be considered soon based on the latest information and peer reviews. Some time has passed while these were on hold. The purpose of this update is to summarize the list of changes already started by the Council and Planning Board in a single discussion and to confirm that the Council agrees with the list of changes for an upcoming public review and hearing process to make final decisions on implementing the changes. Although some of the changes have been to Planning Board, our Counsel recommends a Public Hearing that includes all of the changes for each zoning division so they can be considered as a whole.

Over approximately the last year the City has considered the following:

- The City has updated zoning standards to encourage housing outside of the Lake Auburn Watershed in areas served by public water and sewerage services to reduce demand on rural areas and take advantage of existing utilities. This discussion will continue through a separate hearing process for other areas of the City outside of the watershed of Lake Auburn.
- The City has updated the phosphorus control ordinances and adopted a requirement for Low Impact Development Standards to be met in the Lake Auburn Watershed whenever a development exceeds 200sf. We believe this is one of the most stringent standards in the State, if not the most stringent and is already fully adopted.
- The City is considering updating Subsurface Wastewater Standards in the lake Auburn Watershed to improve wastewater treatment in new systems, but also, and perhaps more impactfully, in replacement systems. There are about 50 new systems under the current ordinance and 270 existing grandfathered systems that would now need to meet a higher treatment standard at the time of future failure and replacements, resulting in an average required increase in separation from seasonal groundwater of 24 inches.
- The City is considering requiring new systems to have 36" separation between the bottom of the drain field and seasonal high groundwater with specific soils that maximize treatment of wastewater. The current standard requires 36" inches of existing well drained soils onsite and requires the new system to be set into the ground 12 inches below the organic horizon, below where most treatment occurs, resulting in only 24" of separation from seasonal high groundwater in soils that often drain too quickly to provide significant treatment. This will be remedied under proposed ordinance changes.
- Recognizing that the 36" existing soils requirement is being used to limit the number of developable lots, the Consultant analyzed the potential for developable lots that could result from the Change. We are now considering increasing the minimum lot size in the Lake Auburn Watershed in conjunction with the wastewater change from 1 acre to 3 acres which will allow for better wastewater treatment and an overall reduction in the total number of buildable lots. If LD 2003 happens in July this will limit density of new dwellings in residential portions of the watershed to 1 dwelling per 3 acres.
- The City of Auburn will be asking the LAWPC to take a more active role in ordinance related permit reviews and compliance efforts, so the City of Auburn does not bear the burden of watershed protection efforts alone and ensures Lewiston and Auburn Water participate in watershed protection efforts driven by City Ordinances.
- The City is considering implementing a subsurface wastewater inspection program requiring systems within the Lake Auburn Watershed to be inspected every 5 years or upon sale of a property.
- The City is considering increasing the setbacks from the lake or tributary streams for SSWW Systems, agricultural uses and tilled fields.
- The City is considering changing the Agriculture and Resource Protection part of the watershed (73% of the watershed lands within Auburn) to a Conservation and Natural Resource Protection Zone that would prohibit any new residential uses. If LD 2003

happens in July this will significantly limit density of new dwellings in the Auburn portion of the Lake Auburn Watershed.

- The City is considering changing the Agriculture and Resource Protection part of the watershed (73% of the watershed lands within Auburn) to a Conservation and Natural Resource Protection Zone that would prohibit or significantly restrict the size of any new animal farms. Consultants have found agriculture, specifically animal farms, to be a significant threat to water quality.
- The City is considering amending the Lake Auburn Watershed Boundary in the area of the Gracelawn Gravel Pits based on City Consultant reviews, peer reviews from consultants hired by the Auburn Water District and the City of Lewiston, and the Maine Drinking Water Program to consider new topography, groundwater monitoring data from the pits and City landfill that show groundwater and surface water moves away from the lake. This will accurately reflect the way water drains to or from the lake and correct the actual watershed boundary map that is used for local regulations. Based on peer reviews the City intends to use the conservative line that both FB Environmental and CDM agree drains away from the lake (Graphic attached). It should be noted that open, grandfathered, gravel mining pits are higher generators of sediment and nutrient runoff than developed and vegetated sites with stormwater treatments designed to meet modern stormwater treatment standards. This change will facilitate the development of housing that could replace the gravel mining use, including the blasting of bedrock for mining and require engineered stormwater treatments, site stabilization and interagency review of proposed plans that guarantee stormwater and sewer are not drained into the Lake Auburn Watershed.
- The current ordinance allows a property owner with the well-drained soils, deeper than 36" existing onsite to sell easement rights to nearby parcels to build so-called "septic farms" where multiple lots build concentrated wastewater disposal systems. The proposed ordinance will prohibit this and require a new system to be on the same lot as the home.
- The City is ensuring that all the changes are easier to understand to a homeowner, better for the environment and water quality of Lake Auburn and that the changes result in **reduced** development potential overall in the Auburn portions of the watershed.

Lake Auburn is a sensitive resource that appears to be at a tipping point for a reduced water quality requiring in-lake alum treatments and the status quo cannot be expected to improve water quality and protect public drinking water. The proposed changes are a step in the right direction to reduce development potential in the Lake Auburn Watershed despite a changing regulatory landscape with LD 2003 and ensure better drinking water protections. They provide a significant defense to changing State Regulations that limit local control of residential density where homes are allowed - homes will not be allowed in 73% of the lands within the Auburn part of the Lake Auburn Watershed. The City of Auburn is hopeful that these changes using the best available science can be implemented with increased participation of the City of Lewiston, through the LAWPC. We are also hopeful that these science-based standards

can bring awareness to communities sharing the watershed and resulting in, meaningful watershed protections that can be expanded by LAWPC and AWD to increase protections to the public water supply in the northern portions of the watershed which drain into Lake Auburn.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023 **Order:** 55-05012023

Author: Alison F. Pepin, Deputy City Clerk

Subject: Waiver of Business License Fee – Phoenix No Limits Karate

---

Information: Phoenix No Limits Karate, a 501 (c)3 non-profit organization, submitted a request for waiver of a Temporary Food License fee of $60.00 for their annual Kicks Anti-Bullying fundraising event. The event will be held on June 11th at Central Maine Community College.

City Budgetary Impacts: $60.00

Staff Recommended Action: Consider waiving the fee.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Application
- Request to waive fees
- Order

CITY OF AUBURN
BUSINESS LICENSE APPLICATION

☐ NEW ☐ RENEWAL

If new business, please provide proposed opening date. _____

Please check the boxes for all licenses you are applying for:

Business Name: Phoenix No Limits Karate

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...**$100**
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.

☐ **FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** **$500**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... **$400**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** **$1000**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE(On/Off), no Alcohol**.....**$200**
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... **$200**
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☑ ***Temp FSE** (Per event max 30 days).....**$60**
Event Name A/L Valley Karate Tournament
Event Date June 11, 2023

*__All above licenses__: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... **$200**

Other Business Licenses Applying for:

☐ ***Special Amusement** **$125**
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionaire (pg. 4.

☐ ***Pawnshop/Pawn Broker** **$100**

☐ ***Secondhand Dealer**..... **$100**

☐ ***Massage Establishment/Therapist**..... **$150**
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... **$100**

***Above licenses**: *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here:** http://www5.informe.org/online/pcr/

☐ **Bowling Alley (fee per lane)** **$85**
# of lanes: _____

☐ **Roller Skating Rinks with Part/Full Kitchen**.....**$90**

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc**..... **$100**

Seating:_____ **Occupancy load:**_____

LICENSING FEE(S) TOTAL DUE: $ 60.00

NAME OF BUSINESS: Phoenix No Limits Karate BUSINESS ADDRESS: 945 Center St Auburn Me

BUSINESS MAILING ADDRESS: Same

OWNER'S NAME (LOCAL/ONSITE): Donna Harris (CEO) DOB: 02/21/1970 PHONE: 2075771046

OWNER'S ADDRESS: 56 Pride Rd Auburn Me MAILING ADDRESS: Same

PREFERRED EMAIL: phoenixnlkarate@gmail.com

MANAGER'S NAME: N/A PHONE #: _____ DOB: _____

PREFERRED CONTACT NAME: _____ PHONE #: _____

EMAIL ADDRESS: _____

DESCRIPTION OF BUSINESS: Non - Profit Karate School

Hamburgers / Hotdog

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): 501(c) 3

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ■ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: Central Maine Community College PHONE # _____

OWNER'S ADDRESS: 1250 Turner St. Auburn, Me

HOURS OF OPERATION: Mon: _____ Tues: _____ Wed: _____ Thurs: _____

Fri: _____ Sat: _____ Sun: _____

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ■ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Donna Harris (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: _____ **Date:** 4/20/2023

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

✓ Approved	_ Denied	FIRE INSPECTOR	4-21 DD
✓ Approved	_ Denied	CODE ENFORCEMENT OFFICER	4-21 KB
✓ Approved	_ Denied	POLICE	4-21 BS
✓ Approved	_ Denied	FINANCE	4-21 TN

Comments:

Application date: 4-20-2023 License issued on: _____

Fees paid: License fee(s)_____ Public hearing fee_____ Background fee_____ Late fee_____

Total amount paid = $_____ Request for waiver -

Special Amusement Questionnaire:

Exact entertainment to be provided at establishment:
Karate Tournament

(Specify hours of entertainment) Mon: _____ Tues: _____ Wed: _____ Thurs: _____
Fri: _____ Sat: _____ Sun: 9am-2pm

Describe in detail the room(s) to be used under the permit:
Consession Stand at Central Maine Community College

Include a diagram or floor plan of your business. On the diagram please list the following:

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

☐ Yes ■ No If yes, Please explain (Including location and timeframe):

_____

_____

PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:

CURRENT LIQUOR LICENSE #_____EXPIRATION DATE:_____

PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

Applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. These officers will supplement the existing staff or security.

The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance.DH_____**(Initial)**

Alison Pepin

From: Donna Harris <phoenixnlkarate@gmail.com>
Sent: Thursday, April 20, 2023 12:32 PM
To: Alison Pepin
Subject: Temporary Food License for Fundraising Event

Hi Allison,

I submitted an application for a temporary food license for our annual fundraising tournament to be held June 11th at Central Maine Community College. I am writing to see if we might have the $60 fee waived since we are a 501 (c)3 non profit?
Our EIN# is 87-1995-450.

Best Regards,
Donna Harris
CEO Phoenix No Limits Karate

Order 55-05012023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Clerk to waive the $60 Food Service license fee for Phoenix No Limits Karate for a fundraising event to be held on June 11, 2023.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023 **Order:** 56-05012023

Author: Jennifer Boenig, Downtown Coordinator

Subject: Fee waiver for the Exchange Club of Auburn for the Auburn Lobster Festival

---

Information: The Exchange Club of Auburn is a nonprofit organization hosting a fundraising dinner during the May 6, 2023 Auburn Lobster Festival. This is an opportunity for the club to serve the community and raise funds to support the Auburn PAL center. The club is requesting council waive the $60 temporary food license.

The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the city council The city council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the city council at its next available meeting.

(Ord. No. 38-02072011-05, att. §§ 24-31, 2-7-2011)

City Budgetary Impacts:. Loss of $60 temporary food license fee.

Staff Recommended Action: Approve the fee waiver request.

Previous Meetings and History: NA

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Temporary Food License application
Fee waiver request letter
Dinner layout
Overall event layout

CITY OF AUBURN

BUSINESS LICENSE APPLICATION

Business Name:

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

☐ NEW ☐ RENEWAL Expires:_____

Please check the boxes for all licenses you are applying for:

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...$100
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.

☐ ***FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** $500

Public hearing required for new license- $100 fee
Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... $400

Public hearing required for new license- $100 fee
Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** $1000
(Plus, actual cost of advertising hearing)

Public hearing required for new license - $100 fee.
Background check must also be included.

☐ · **FSE (On/Off), no Alcohol**.....$200
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... $200

Public hearing required for new license- $100 fee
Background check must also be included.

■ ***Temp FSE** (Per event max 30 days).....$60

***All above licenses**: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... $200

Other Business Licenses Applying for:

☐ ***Special Amusement** $125
Public hearing required for new license- $100 fee
Please fill out supplemental questionnaire (pg. 4).

☐ ***Pawnshop/Pawn Broker** $100

☐ ***Secondhand Dealer**..... $100

☐ ***Massage Establishment/Therapist**..... $150
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... $100

***Above licenses**: *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

☐ **Bowling Alley (fee per lane)** .....
$85
Of lanes: _____

☐ **Roller Skating Rinks with Part/Full Kitchen...**$90

☐ **Coin-op Devices (fee per device).....**
Up to 10 devices..... $50 Ea
10 or more devices.... $30 Ea
# of devices: _____ Total Amt _____

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc.....** $100

Seating:_____ Occupancy load:_____

LICENSING FEE(S) TOTAL DUE: $ _____

NAME OF BUSINESS: Exchange Club of Auburn BUSINESS ADDRESS: _____

BUSINESS MAILING ADDRESS: PO Box 1061, Auburn, ME 04211

OWNER'S NAME (LOCAL/ONSITE): _____ DOB: _____ PHONE: _____

OWNER'S ADDRESS: _____ MAILING ADDRESS: _____

PREFERRED EMAIL: _____

MANAGER'S NAME: Bill Gladu (president) PHONE #: 207.713.0588 DOB: 10/14/68

PREFERRED CONTACT NAME: Per Almquist PHONE #: 207.513.2478

EMAIL ADDRESS: per.almquist@freegrace.us

DESCRIPTION OF BUSINESS: We are a non-profit community service organization.

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): _____

FORM OF BUSINESS ORGANIZATION: ☐ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ■ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: _____ PHONE # _____

OWNER'S ADDRESS: _____

HOURS OF OPERATION: Mon: _____ Tues: _____ Wed: _____ Thurs: _____

Fri: _____ Sat: _____ Sun: _____

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ■ No (If yes, complete the following)

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Bill Gladu (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: _____ **Date:** 04.25.23

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

___Approved	__	Denied	FIRE INSPECTOR _____
___Approved	__	Denied	CODE ENFORCEMENT OFFICER __
___Approved	_	Denied	POLICE _____
___Approved	_	Denied	FINANCE _____

Comments:

_____

_____

Application date:_____ License issued on:_____

Fees paid: License fee(s)_____Public hearing fee_____Background fee_____Late fee_____

Total amount paid = $_____

Special Amusement Questionnaire:

Exact entertainment to be provided at establishment:

_____

(Specify hours of entertainment) Mon: _____ Tues: _____ Wed: _____ Thurs: _____
Fri: _____ Sat: _____ Sun: _____

Describe in detail the room(s) to be used under the permit:

_____

Include a diagram or floor plan of your business. On the diagram please list the following:

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

☐ Yes ☐ No If yes, Please explain (Including location and timeframe):

_____

_____

PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:

CURRENT LIQUOR LICENSE #_____EXPIRATION DATE:_____

PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

Applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. These officers will supplement the existing staff or security.

The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance._____**(Initial)**

EXCHANGE

THE EXCHANGE CLUB OF AUBURN

working to make our community a better place to live

Auburn City Council

Request for Waiver of Permit Fees

April 20, 2023

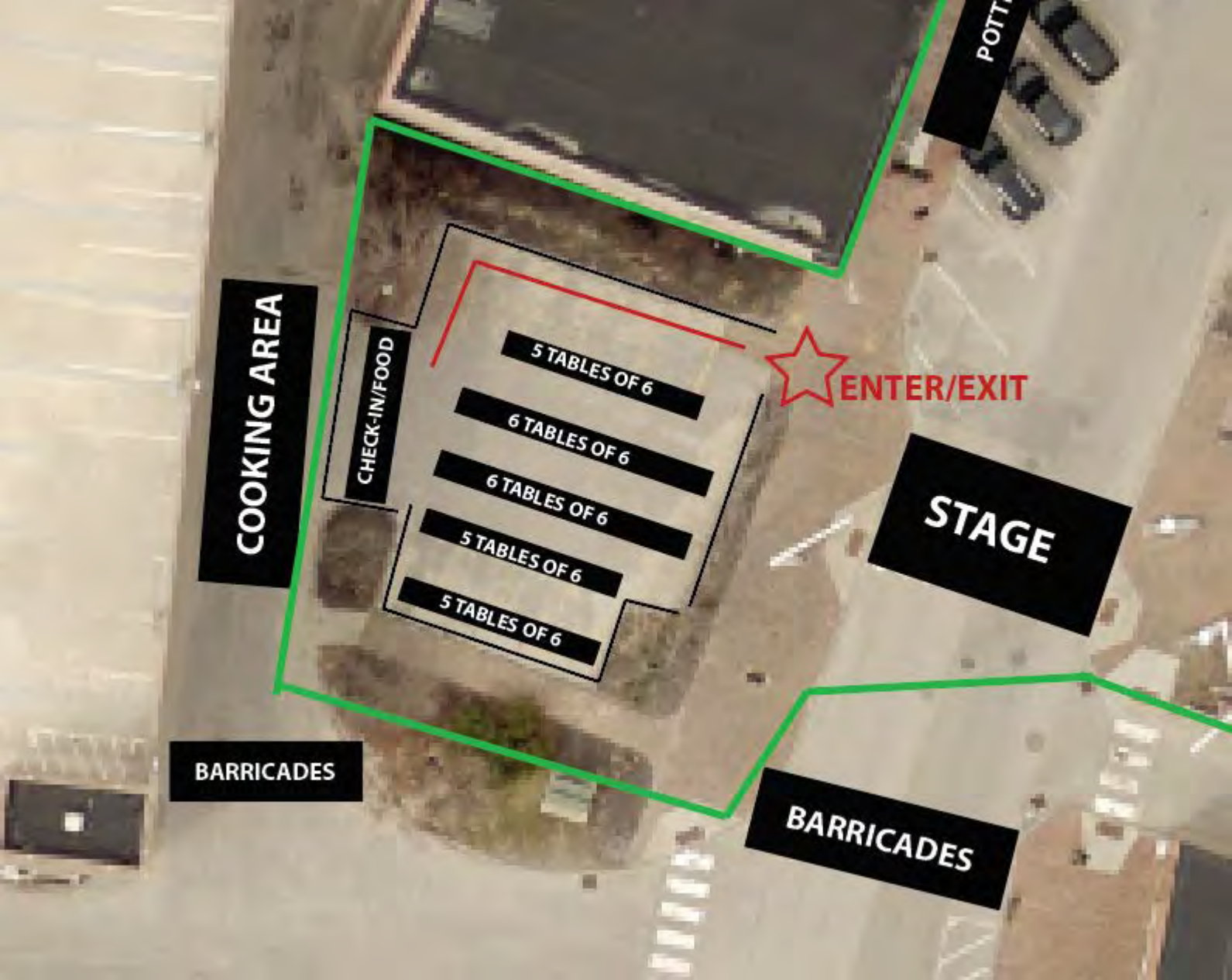
Dear Council,

The Exchange Club of Auburn has been serving the people of Auburn for over 75 years. We are excited to have been asked to participate in the inaugural Auburn Lobster Festival on May 6, 2023, by providing lobster dinners. This is an opportunity to serve our community yet again and raise funds to support our work donating to the many small groups and individuals who impact our community. Among the groups we have supported in recent years are the Auburn PAL Center, Project Graduation at Edward Little and St. Dominic's Academy, the Auburn Suburban Little League, the Auburn Middle School Hockey Team, and four Students of the Month and a Student of the Year each at Edward Little and St. Dominic's Academy.

To assist us in our efforts to make our community a better place to live, we request that the permit fees for our participation in the Auburn Lobster Festival be waived.

We thank you for your consideration.

Bill Gladu
President


COOKING AREA
CHECK-IN/FOOD
5 TABLES OF 6
6 TABLES OF 6
6 TABLES OF 6
5 TABLES OF 6
5 TABLES OF 6
ENTER/EXIT
STAGE
BARRICADES
BARRICADES

food truck
food truck
food truck
food truck
ID check
12 toilets on sidewalk
MLA
OP box
1
2
3
4
5
6
Band Merch
Breweries/ Vendors in 1-6
EZ up
EZ up
EZ up
EZ up
Lobster Feed
stage
ID check
Buoy photo
Reserved Parking
Alcohol Permitted

ORDER 56-05012023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the fee waiver request from the Exchange Club of Auburn for the Auburn Lobster Festival on May 6, 2023.

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

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

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

City of Auburn
City Council Information Sheet

Council Meeting Date: May 1, 2023 **Order:** 57-05012023

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Jessica M. Valencia

Information:

In September of 2021, Auburn Police Department Sergeant Nicholas Gagnon investigated a stolen motor vehicle in which Jessica M. Valencia was a passenger. Sgt. Gagnon developed information during the investigation that the occupants of the vehicle were trafficking illegal narcotics While conducting a search of the vehicle, Sgt. Gagnon found Valencia in possession of 4 grams of heroin/fentanyl, 40.5 grams of cocaine base, and 1 gram of cocaine HCL, a drug ledger, $490 in cash and a loaded Ruger .380 caliber semi-automatic pistol. Valencia was charged with aggravated trafficking of Scheduled W drugs Class A, based on the fact she was armed with a firearm in the furtherance of drug trafficking.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer $490.00 U.S. and the Ruger .380 caliber semi-automatic pistol. Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

Staff Recommended Action: Vote to accept the transfer of $490.00 and a Ruger .380 caliber semi-automatic pistol.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

*None

ORDER 57-05012023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the transfer of $490.00 and a Ruger .380 caliber semi-automatic pistol (Serial #372358035) to the Auburn Police Department (Unified Criminal Court Docket No. CR-2021-02401).

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

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

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

IN COUNCIL REGULAR MEETING APRIL 18, 2023, VOL. 37 PAGE 31

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

The discussion from the Joint Planning Board and City Council Workshop continued until 7:22 P.M. at which time, the meeting was then moved to Council Chambers resuming at 7:26 P.M.

Mayor Levesque asked for a moment of silence to remember Royce Coburn, former Auburn Planning Board member who recently passed.

Mayor Levesque moved the first open session to the beginning of the meeting to allow members of the public to speak on what was discussed during the workshop, or any item that is not on the agenda.

Jane Costlow, 104 Fourth Street, spoke on what she stated was the intent and purpose of the Ag zone, adding that it was created to prevent sprawl. She suggested asking professionals about what the eco system services of almost 20,000 acres of undeveloped land is, adding that what we need right now is a different process on this really important issue.

Mr. Bosworth, 299 Jordan School Road, said he thinks we are giving up the best resource in the Northeast, adding that if we change the zoning, he will be taxed off his land.

Denis Wheeler, owner of a piece of land on the corner of River Road and Jordan School Road stated that he would like to build a home and retire there. This is a piece of property that was given to him by his mother. Currently, he cannot build a home there due to zoning restrictions.

Joanne Wheeler, spouse of Denis Wheeler said this 2-acre lot of land was gifted to them in 1987 and it is not a farm. She said she believes they should be able to build there. She said that she understands that there is a lot of diversity and a lot of different feelings on this issue, but their feelings should be considered too.

David Griswold, 199 Gamage Avenue talked about woodlot owners stating that many woodlot owners own them for privacy and wildlife and not to just harvest timber. He stated that if there is development within or adjacent to woodlots, it may cause conflict among neighbors for various reasons, one being if you are a woodlot owner with neighbors, it may be difficult to harvest timber. Neighbors may object to the noise from the equipment, and night-time operations during mud season, and it could change their view. He said we need to balance housing and conservation and he hopes the City Council and Planning Board will find a way to do that.

Chloe Myers, resident of Lewiston and owner of Open Heart Farm located at 304 Sopers Mill Road in Auburn stated that she is originally from New York and was searching for a farm for about 5 years in four states before they found their farm here in Auburn. She encouraged the City Council to consider the value and future of food production within Auburn stating that we cannot continue to rely on produce from California to sustain us forever. She also urged the Council to work collaboratively with not only the Sustainability and Natural Resource Board but also with entities like the Good Food Council of Lewiston and Auburn and others.

Peter Moore, landowner on Jordan School and Pownal Road stated that he has a different perspective than most that have spoken. He said that he sees the opportunity for Auburn to have a much bigger future adding that we could do a few more things in Auburn while still protecting the vast majority of

the city. He said he thinks it is atrocious that people do not want to allow people to build a home on their own land. He said what we have is a tax problem stating that we have a high tax rate due to too small a population. He went on to state that we are a city and should behave like a city and allow more development. He said he sees the future of Auburn as a robust urban place that could surpass the City of Portland in both population and vitality and if we could release the creativity and innovation of our citizens and landowners, we could see the city thrive for decades to come, but right now we have our heads in the sand, and we are clinging to the past. He would like the Council to get rid of this ordinance and not replace it with so many restrictions that we are back to where we started back in 1963 when the ordinance was enacted.

Mike Morrisey, 825 Perkins Ridge Road, said that according to the agenda, we were supposed to talk about residential strips, and we did not. When will we address that?

I. Consent Items

1. Order 49-04182023*
Setting the date for the Special Municipal Referendum Election (June 13, 2023).

2. Order 54-04182023*
Authorizing Jason Levesque to vote the shares held by any shareholders for the Lewiston Auburn Railroad Company.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage of the two consent items.

Passage 7-0.

II. Minutes - April 3, 2023, Regular Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Milks to approve the minutes of the April 3, 2023, Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

a. Communication from Lake Auburn Watershed Protection Commission
b. Communication – City of Auburn Petition to Intervene
c. Council Communications (about and to the community)

Mayor Levesque announced that a workshop will be held on Monday, April 24th at 5:30 pm to discuss the budget.

Councilor Whiting announced that Gerry Denis and he will be leading a walk (Jane's Walk) at 9:00 am on May 6th beginning at Rolly's.

City Manager Crowell announced that the budget documents are on our website, all Councilors should have their budget books in their office. Staff is working to fix a broken link on the budget portal.

IV. **Open Session** – This item was taken up at the beginning of the meeting.

V. **Unfinished Business** - None

VI. **New Business**

1. **Order 50-04182023**
Adopting the 5-Year Capital Improvement Plan (CIP).

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

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

2. **Order 51-04182023**
Allocating funds from the American Rescue Plan Act (ARPA) to establish the Auburn Victory Garden Program.

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

Public comment – No one from the public spoke.

Passage 7-0.

3. **Order 52-04182023**
Allocating funds from the American Rescue Plan Act (ARPA) to support establishing the Auburn Commercial Agriculture Incentive Program.

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

Public comment – No one from the public spoke.

Passage 7-0.

4. **Ordinance 03-04182023**
Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations by changing the lot size requirement for a cemetery from twenty acres to ten acres if the cemetery is a conservation cemetery. First reading.

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

Public comment – No one from the public spoke.

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

5. **Ordinance 04-04182023**
Amending Chapter 60 of the City Ordinances, Sec. 60-2. Definitions, by adding the

definition of conservation cemetery. First reading.

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

Public comment – No one from the public spoke.

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

6. **Order 53-04182023**
Authorization of funds for East Auburn Tennis Courts.

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

Public comment - No one from the public spoke.

Passage 7-0.

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

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported that the Lobster Festival is scheduled for May 6th from 1:00 -7:00 pm. The Lobster Festival commercial was played for the public to see. The Mayor also noted that there have been a lot of meetings of the LPC (Legislative Policy Committee), and the School Committee will be meeting tomorrow.

Councilor Staples stated that he is going to propose that we add $100,000 to our ARPA expenditures in order to provide two $50,000 grants for businesses that will provide a place for people to do something outside of the home and where they can spend their spare time.

Councilor Morin commented on how popular pickle ball is and he encouraged people to be careful and stretch to avoid injuries.

Councilor Milks announced that Mike Broadbent is the new Superintendent of the Water and Sewer Districts adding that Mike is doing a phenomenal job.

Councilor Whiting stated that the New Auburn walk is called the New Auburn Lost and Found, adding that Mr. Dennison is knowledgeable about what was lost in the big fire of New Auburn.

City Manager Crowell stated that he and the Assistant City Manager attended the Local Government Reimagined Conference that was held in Burlington, Vermont, and gave a recap of the key topic areas from the conference.

Jill Eastman, Finance Director – March Final Finance Report

Motion was made by Councilor Whiting and seconded by Councilor Milks to accept and place on file the March 2023 final finance report.

Passage 7-0.

IX. Executive Sessions

Labor contract negotiations – (Fire), pursuant to 1M.R.S.A. §405(6)(D).

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

Passage 6-0 (Councilor Walker was not in the room for the vote).

Time in 8:31 pm.

Council was declared out of executive session at 8:37 pm.

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

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

Passage 7-0.

Time in 8:37 pm.

Council was declared out of executive session at 8:54 pm.

X. Adjournment

Motion was made by Councilor Walker seconded by Councilor Whiting to adjourn. Unanimously approved and the meeting adjourned at 8:54 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

First Reading or Meeting Date: May 1, 2023 **Ordinances:** 03-04182023 & 04-04182023

Author: Planning and Permitting Dept.

Subject: Public hearing and second reading on adding conservation cemetery definition and size requirement as a zoning text amendment.

Information:
On March 28, 2023, Auburn Planning Board held a public hearing on a text amendment for Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.
Planning Board recommended the amendments as suggested, but slightly amended for clarification, adding, "burials in conservation cemeteries consist solely of cremains." Staff believes this change is not substantive enough to require another public hearing.

City Budgetary Impacts: None

Staff Recommended Action:
Public hearing and second reading.

Previous Meetings and History:
March 28, 2023- Planning Board Public Hearing
April 18, 2023- City Council First Reading - passed

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Planning Board positive recommendation, 03/28/2023 staff report, Sec. 60-145 proposed amendment, Sec. 60-2 proposed amendment, petition with signatures.

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on adding conservation cemetery definition and size requirement as a zoning text change

Date: 04/03/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on March 28, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ PETITION/ TEXT AMENDMENT: The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and as shown on the proposed text changes available at https://www.auburnmaine.gov/pages/government/planning-board-agendas and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; Riley Bergeron seconds.

"I make a motion to recommend amending chapter 60 of the city ordinances specifically sec 60-145b8 use regulations and sec 60-2 definitions by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery and adding the definition conservation cemetery to section 60-2 as stated in the petition and included in this meetings materials with the amendment that the definition of conservation cemetery read conservation cemetery means a type of natural cemetery that includes a conservation management plan that holds best practices and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries consist solely of cremains and utilize non-toxic and biodegradable chemicals."

VOTE: 7-0-0 Motion passes.

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

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Public Hearing on petition to change the minimum size requirement for cemeteries and add the definition of conservation cemetery to Chapter 60 of the zoning ordinance.
Date: March 14, 2023

I. PROPOSAL: PUBLIC HEARING/ PETITION/ TEXT AMENDMENT:

The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

II. Materials:

1. March 14, 2023, Staff Report
2. Proposed Text Change: Sec. 60-145. Use regulations.
3. Proposed Text Change: Sec. 60-2. Definitions.
4. Signed Petition

III. Background

Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city (Sec. 60-1445). The City received the completed application with 48 verified signatures on February 10, meeting the requirements of Sec. 60-1446.

Each proposal to change any zoning ordinance text (other than a change of zoning district name or zoning boundary description) shall include the wording then current, the words of change, the wording if so amended and a statement of the reasons for such change, showing how such change would affect the public health, safety, convenience and welfare (Sec. 60-1447).

One of the primary measures of whether a text change is appropriate is conformance with Comprehensive Plan. As the petition states, the proposed change is consistent with the Future Land Use Plan, Agricultural and Resource Protection (AGRP) District, and the Comprehensive Plan.

Currently, cemeteries are an allowed use in the Agricultural and Resource Protection Zone if they are at least 20 acres. This was originally put in place to avoid having many small cemeteries through the city which could become the municipality's responsibility to maintain over time. Allowing a smaller lot size for conservation cemeteries would not increase the burden of eventual maintenance for the city because first, they only bury cremains, which require smaller plot sizes, and they do not require the regular mowing maintenance of traditional cemeteries. Conservation

cemeteries and memorial forests intend that the look and feel of the land be created by nature. Therefore, unlike traditional cemeteries, there are no gravestones or manicured grass. Parking areas are to be of a gravel base and trails are to be woodland and natural.

IV. Planning Board Action

Review the proposed text change pursuant to Chapter Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map, for consistence with the Comprehensive Plan. Hold a Public Hearing and make a motion to approve or deny the proposal.

V. Suggested Motion:

I make a motion to recommend amending Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and included in this meeting's materials.

RECEIVED FEB 10 2023

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Pamela B Rousseau	745 W Auburn Rd Auburn	Pamela B Rousseau
KATHLEEN SHAW	1200 SOPERS MILL RD AUBURN	Kathleen Shaw
DAVID D GRISWOLD	199 GAMAGE AVE AUBURN	David D Griswold
Katherine Boss	7 Morse Street Auburn	Katherine Boss
Cindy Cain	976 Old Danville Rd Auburn	Cindy Cain
Zoe Cain	976 old Danville Road Auburn Me	Zoe Cain
Tanya Vanasse	1160 old Danville Rd. Auburn	
Roger Violette	145 3rd Street Auburn	Roger Violette
Jennifer Marchigiani	98 Summer St Auburn	
MARILYN MAHER	112 Riverside Dr. Auburn	
DIANA IWASZKIEWICZ	110 JACQUES RD AUBURN	
Robert B Neilson JR	1045 OLD DANVILLE RD AUBURN	
Tammy Neilson	1048 Old Danville Rd, Auburn	Tammy

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Holly Lasagna	220 W. Auburn Rd, Auburn	
Peter Lasagna	220 W. Auburn Rd Auburn	
DEBRA PARENT	192 Elgin Ave Auburn	
Martha S Deschaines	16 Davis Ave Auburn	
Gina Melaragno	25 James St. Apt. 3	
ADAM SAMUEL BOSS	7 MORSE ST. AUBURN	
Timothy B MacLeod	210 Gamage Ave Auburn ME	
Tracie MacLeod	210 Gamage Ave Auburn ME	
Rhyanna Larose	164 Bennett ave, Auburn, ME	Rhyanna Larose
Cassidy Cloutier	164 Bennett Ave, Auburn ME	
Kim Chabot	2 grove st Auburn ME	
Susanne Habawski	26 vivian st Auburn ME	

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
PATRICIA J. MELARAGNO	576 Trapp Rd	Patricia J. Melaragno
CHELSEA A. EATON	576 TRAPP ROAD, AUBURN	Chelsea A. Eaton
Michelle Melaragno	576 Trapp Rd	
Mary Sylvester	208 Maple Hill Rd	Mary Sylvester
[illegible] Holmgren	208 Maple Hill Rd.	[illegible] Holmgren
Fred Staine	166 Royal River Rd.	Fred Staine
Joan Tremblay	169 Royal River Rd Auburn	Joan Tremblay
CHRIS CARSON	110 JACQUES RD AUBURN	[illegible]
William Sylvester	1128 Riverside Dr. Auburn	William Sylvester
STANWOOD GRAY	1200 Sopers Mill Rd.	Stanwood J Gray

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Nathaniel Proctor	36 Coachman Ave Auburn ME 04210	Nathaniel Proctor
Rhonda Strong	49 Dee St Auburn Me 04210	Rhonda Strong
Lisa Bilodeau	21 Robin Rd Auburn Me 04210	Lisa Bilodeau
Erin DeRocile	14 Millbrook Ln, Auburn 04210	Erin DeRocile
Kim Lidstone	1820 Peekins Ridge Rd Auburn 04210	Kim Lidstone
Tina M Short	129 East Hardscrabble Rd	Tina M Short
Azure M. Proctor	36 Coachman Ave Auburn ME 04210	Azure M Proctor
Sarah Nichols	200 Townsend Brook Rd	Sarah Nichols
Michelle Greene	36 Crest Ave Auburn ME	Michelle Greene
June Simard	103 Harvest Hill Ln Auburn, ME	June R Simard

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Robert White	95 Woodbury Rd. Auburn	
James A Dalgneault	659 South Main St Auburn	

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Andrew Lewis	6 Morse St	
Andrew Allen	217 Grange Ave	

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

ORDINANCE 03-04182023

City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations

Be it ordained, that the Auburn City Council hereby adopts a Zoning text amendment involving use standards related to conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Sec. 60-145. Use regulations.

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

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.

c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.

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

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

c. At least 10 acres if designated a conservation cemetery.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel can reasonably accommodate the proposed farm.

3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:

4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of

agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

5. The proposed residence shall be accessory to farming.

6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.

e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

ORDINANCE 04-04182023

City Council Ordinance

IN CITY COUNCIL

Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions

Be it ordained, that the Auburn City Council hereby adopts a Zoning text amendment involving definitions for conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions, by adding the definition of Conservation Cemetery to Sec. 60-2 as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

(1) Bed and breakfast homes or inns;

(2) Restaurants, diners or cafes;

(3) Art studios and galleries;

(4) Performing arts centers;

(5) Medical and dental clinics;

(6) Office space;

(7) Municipal and government uses; and

(8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit.*

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a towtruck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or *lodginghouse* means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure*.)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child care home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

(1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.

(2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments, or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Conservation cemetery means a type of natural cemetery that includes a conservation management plan that upholds best practices, and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries utilize non-toxic and biodegradable materials.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or *zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2) Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3) Sheep: Three animal units per acre of cleared hay/pasture land.

(4) Swine: Two animal units per acre of cleared land.

(5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

(1) The sale of greenhouse products and related supplies; and

(2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

(1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or

(2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. Illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

(1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or

(2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft,

technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School.*)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Junkyard or*automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lodge, private. See the term *Club, private.*

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;

(5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

(1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.

(2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

(1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)

(2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

(3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

(4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

(1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;

(2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;

(3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or *earth removing* means the excavation of any earth materials.

Minor arterial highway means the highway that:

(1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;

(2) Provides access to geographic areas smaller than those served by the major arterial highway system; and

(3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

(1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and

(2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeetor trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school.*)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or*office mall* means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

(1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;

(2) A way accepted by the municipal officers of the city;

(3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or

(4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage.*

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or *building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home.*

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or *RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones

that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District.*

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023 **Order:** 58-05012023

Author: Jill M. Eastman, Finance Director

Subject: Authorizing Issuance of General Obligation Bonds and A Tax Levy Therefor

---

Information: This is the Annual Capital Improvement Projects for FY 23-24 that we are recommending for bonding. Please see attached sheet that describes the projects being funded.

City Budgetary Impacts: This is a 10-year bond, interest only for FY 24 and principal and interest payments for 10 years.

Staff Recommended Action: Passage First reading and Public Hearing.

Previous Meetings and History: Discussed at the 4-24-2023 workshop

---

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Order

ORDER 58-05012023

City Council Order

IN CITY COUNCIL

ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof, on either a taxable or a tax-exempt basis, in the principal amount not to exceed $13,000,000, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds)(the "Projects"), all constituting part of the City's FY23 Capital Improvement Program:

CAPITAL IMPROVEMENT PLAN
FY 24 BONDS

Description		TOTAL
City Clerk	Record Restoration	$ 50,000
Econ Dev & Planning	Dangerous Building Demolition	$ 300,000
Econ Dev & Planning	Comprehensive Plan Program	$ 160,000
Facilities	PAL Center	$ 1,500,000
Facilities	Public Safety Facility-Engine 2 New Auburn	$ 3,000,000
City Wide Vehicles	Police Vehicle Replacement	$ 175,500
City Wide Vehicles	Public Works Vehicle Replacement	$ 25,000
City Wide Vehicles	Recreation Mini Bus Replacement	$ 80,000
Transportation	Traffic Calming and Pedestrian Safety	$ 100,000
Engineering	Reclamation	$ 1,500,000
Engineering	Reconstruction	$ 1,500,000
Engineering	Major Drainage	$ 500,000
Engineering	MDOT Match	$ 1,500,000
Engineering	Resurfacing	$ 750,000
Engineering	Retaining Walls	$ 250,000
Fire	Apparatus Replacement	$ 60,000
Fire	Excavation Equipment	$ 50,000
IT	Security Camera Project	$ 50,000
Airport	Operations Truck, Self-service fuel dispensing & Roof repair	$ 140,000
LATC	Bus Purchase	$ 50,000

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

Police	**Patrol Rifle Replacement**	**$ 21,000**
Police	**TASER Upgrade**	**$ 169,000**
Public Works	**Replace 12 yard plow trucks (2)**	**$ 601,600**
Public Works	**Replace Front End Loader**	**$ 250,000**
Public Works	**Replace One Ton Truck w/Plow (2)**	**$ 150,000**
Recreation	**Update Basketball Court w/New Logo**	**$ 35,000**
Administration	**Contingency**	**$ 32,900**
TOTAL BOND CIP		**$ 13,000,000**

THAT the Finance Director be and hereby is authorized and empowered, in the name of an on behalf of the City, to prepare, issue, and sell the bonds and notes authorized hereby, at one time, or from time to time, as one or more separate issues, as term bonds or serial bonds or some combination thereof, and to establish, determine and approve the date, form, minimum denomination, interest rates, maturities (with the last maturity not to exceed the maximum term permitted by law), provisions for early redemption, with or without premium, and all other details, terms and provisions of such bonds and notes, not inconsistent herewith, including the form and manner of their sale and award as she may approve, such approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to designate the bond or notes authorized hereby, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265 of the Internal Revenue Code of 1986, as amended.

THAT the bonds and notes authorized hereby shall be signed by the City's Finance Director and its Treasurer, attested by the City Clerk under the seal of the City.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to take all steps necessary and expedient in respect to the aforesaid borrowing, and to prepare, negotiate, execute, and deliver such agreements, investment agreements, bond purchase agreements, preliminary and final official statements, escrow agreements, continuing disclosure agreements, tax compliance agreements, assignments, certificates and other documents (collectively referred to as the "Bond Documents"), as may be necessary or advisable, as determined and approved by the Finance Director, in connection with the issuance delivery of the bonds and notes authorized hereby, which Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, as may be approved by the Finance Director, such approval to be conclusively evidenced by the execution thereof.

THAT if the bonds or notes authorized hereby, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City,

City Council Order

to covenant and certify that no part of the proceeds of such bonds or notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and to further authorize and provide that the City will file any required reports and take any other action that may be necessary to insure that interest on the bonds or notes will remain exempt from federal income taxation, and will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT if the actual cost of any Project differs from the estimated cost, whether due to completion, delay or abandonment of such Project or for any other reason, the Finance Director is authorized and empowered, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the bonds or notes to any other listed Project, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT in order to finance temporarily the Projects described above, the Finance Director be and hereby is authorized and empowered to expend up to $13,000,000 either from available funds of the City or from the proceeds of bond anticipation notes which would be reimbursed or refinanced from bond proceeds.

THAT to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the bonds and notes authorized hereby shall be included in the tax levy each year until the debt represented by said bonds or notes is extinguished.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be and hereby are authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things as may be necessary or advisable to carry out the provisions of this order.

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes authorized hereby shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds, notes or any related Bond Document, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, or on an interim or acting capacity, is authorized and empowered to act for such official with the same force and effect as if such official had himself or herself performed such act.

City Council Order

THAT the authority to issue the bonds or notes authorized hereby shall automatically expire 2 years from the date of approval of this Order.

THAT the City may pay certain costs of the Projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before April 14, 2023, in the Sun Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023 **Resolve:** 01-05012023

Author: Jill M. Eastman, Finance Director

Subject: Resolve Adopting the 2023-2024 Annual Appropriation and Revenue Resolve (Public Hearing & First Reading)

Information: In accordance with the City Charter, Article 8, Section 8.6, prior to the fiscal year the City Council shall adopt an annual appropriation resolve making appropriations by department, fund, services, strategy or other organizational unit and authorizing an allocation for each program or activity.

The Council has been supplied with a resolve to adopt the annual appropriations for the City of Auburn, which includes final figures for revenue, total appropriation and municipal budget.

The school appropriation has been incorporated into this annual appropriation resolve for the City of Auburn.

This is the public hearing first reading of the Appropriation Resolve for FY 23-24.

City Budgetary Impacts: With this FY 24 Proposed Budget the tax levy increase is 3.79%, which is below CPIU at 6.5% . At this time, the estimated proposed mil rate increase is 3.57%.

Staff Recommended Action: Staff recommends passage of the budget on the second reading.

Previous Meetings and History: Preliminary budget presentation April 3, 2022 and final Manager's Budget presentation April 18, 2023, Budget workshop April 24, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Resolve for the 2023-2024 Annual Appropriation and Revenue excluding School Department Articles.

RESOLVE 01-05012023

City Council Resolve

IN CITY COUNCIL

RESOLVED, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2023-2024, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2023 and ending June 30, 2024.

The estimated aggregate amount of non-property tax revenue is $61,696,924 with a municipal revenue budget of $22,606,704 and a School Department revenue budget of $39,090,220.

The aggregate appropriation for the City of Auburn is $112,871,272, with a municipal budget of $51,011,866 County budget of $2,972,037 and a School Department budget of $58,887,369 which received School Committee approval on May 3, 2023, and school budget approved at the May 15, 2023 Council Meeting pursuant to the School Budget Validation vote on June 13, 2023, in accordance with Maine Revised Statues, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 18, 2023, by the City Manager, and notification was posted on the City of Auburn website on April 27, 2023 that a public hearing would be held on May 1, 2023 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2023-2024 beginning July 1, 2023 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2023-2024.

RESOLVED, The City is authorized to accept grants and forfeitures and to expend sums that may be received from grants and forfeitures for municipal purposes during the fiscal year beginning July 1, 2023, and ending June 30, 2024, provided that such grants and forfeitures do not require the expenditure of other funds not previously appropriated.

RESOLVED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 15, 2023 and the remaining fifty percent (50%) shall be due on March 15, 2024.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 16, 2023 and March 16, 2024 respectively shall bear interest at a rate of 4% per annum from and after such dates.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

RESOLVE 01-05012023

City Council Resolve

Personal property taxes shall be due and payable on or before September 15, 2023. Any personal property taxes remaining unpaid on September 16, 2023, shall bear an interest rate of 4% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023 **Resolve:** 02-05012023

Author: Sue Clements-Dallaire, City Clerk

Subject: Resolve supporting Congressman Golden's proposal for a two-year framework

---

Information: Councilor's Whiting and Staples requested a resolve supporting Congressman Golden's initiative for to create a framework for passing a budget and begin dealing with the serious problem of ongoing federal deficits.

City Budgetary Impacts: N/A

Staff Recommended Action: Consider passage

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: N/A

RESOLVE 02-05012023

City Council Resolve

IN CITY COUNCIL

RESOLULTION IN SUPPORT OF REPRESENTATIVE JARED GOLDEN'S PROPOSAL FOR A TWO-YEAR BUDGET FRAMEWORK

WHEREAS, Congressman Golden is proposing a two-year agreement establishing the bottom line for the next two federal fiscal years, and;

WHEREAS, the proposal will also leave final appropriations to be determined through the normal congressional budget process, and;

WHEREAS, once an agreement has been reached, Congress could raise the debt limit in tandem with the budgeting process to ensure that the agreement is followed, and;

WHEREAS, State and local governmental bodies like ours come to agreement, making difficult decisions on budgets, and;

WHEREAS, citizens have a right to expect that our President and Congress do the same, without jeopardizing our nation's credit rating, and;

NOW THEREFOR, the Auburn City Council hereby supports Representative Golden's two-year budget framework proposal to stabilize the national debt.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023 **Order:** 59-05012023

Author: Jonathan P. LaBonte

Subject: Modification to Auburn-Lewiston Municipal Airport Interlocal Agreement

---

Information: The included order modifies the existing interlocal agreement with the City of Lewiston that established the Auburn-Lewiston Municipal Airport. The specific amendment changes the Board of Directors appointment process from a mix of municipal staff, elected officials, members of the public, and several non-profit organizations to targeted municipal areas of expertise at the staff level, with the addition of AVCOG.

City Budgetary Impacts: N/A

Staff Recommended Action: Consider passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Auburn-Lewiston Municipal Airport Interlocal Agreement

INTERLOCAL AGREEMENT

This document was scanned from its original format. Errors may have occurred during the scanning process. The original document is on file at the Auburn-Lewiston Airport.

This agreement is made and entered into by and between the Cities of Auburn and Lewiston, both political subdivisions of the State of Maine in accordance with the State of Maine Interlocal Cooperation statute (Chapter 115 Title 30A). As amended, this agreement supersedes agreements Tiled with the Office of Secretary of State in Volume 30, pp. 396-404, November 15, 1977 and in Volume 32, pp. 192-199, December 11, 1978.

ARTICLE I - PREAMBLE

Incorporation

Pursuant to Resolutions passed by the Auburn City Council November 6, 1978 and March 19, 1979 and Resolutions passed by the Lewiston Board of Mayor and Aldermen on November 1, 1970 and March 20, 1979; there is hereby created an independent corporate entity to be known as the "Auburn-Lewiston Municipal Airport", hereinafter called the "Airport Board" or "Board"; and pursuant to the State of Maine Non Profit Corporation Act 13-B MRSA para. 403, Articles of Incorporation shall be filed with the Secretary of State.

Purpose

The purpose of the Airport Board will be to operate, maintain and improve the Auburn-Lewiston Municipal Airport, hereinafter called the "Airport"; arid to plan, acquire facilities for, construct and operate as may be necessary to provide optimum air transportation service for Auburn, Lewiston and the surrounding area. In addition, the purposes of the corporation shall be to foster, encourage, and assist the physical location, settlement, or resettlement of industrial, manufacturing, and other business enterprises at the Auburn-Lewiston Municipal Airport including the Airpark.

ARTICLE II - DELEGATION OF POWERS TO THE AIRPORT BOARD

The Cities of Auburn and Lewiston delegate or otherwise transfer to the Airport Board the management of the existing Auburn-Lewiston Municipal Airport, its property situated on the Hotel and Lewiston Junction Roads in Auburn, consisting of land and buildings, easements, fixtures, equipment and tools and all other property both real and personal which is a part of or used at the existing airport facility together with all leases, bank accounts, accounts receivable and all other intangible property previously administered by the Auburn-Lewiston Airport Committee.

SETS BOUNDARIES

Without limiting the generality of the foregoing, there is delegated the power to construct industrial and/or commercial buildings on any or all of the real property conveyed to the Cities of Lewiston and Auburn by Deeds of the United States of America dated December 18, 1947 and December 15, 1948 in book 611, page 459 and book 621, page 627 respectively, and to execute mortgages to secure all or part of the construction costs thereof provided, however, that any such mortgage shall first be approved by the Cities of Lewiston and Auburn.

ABILITY TO MORTGAGE

ARTICLE III - AIRPORT BOARD ORGANIZATIONAL STRUCTURE

Board of Directors

Section 1. Membership

The Board will consist of seven members. The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices. A third member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at their first regular meeting. A fourth member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at their first regular meeting. A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the six are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any three members, select the seventh member of the Board. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled.

The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth or seventh members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.

By a majority vote of four members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. The decision of the appointing authority shall be binding.

Members of the Board will serve without compensation but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

Section 2. Terms of Office (After Initial Appointments) AMENDED

Lewiston Finance Director - By virtue of the office.
Auburn City Manager - By virtue of the office.
Lewiston Councilor - While a Councilor of the City of Lewiston.
Auburn Councilor - While a Councilor of the City of Auburn.
Fifth Member (Auburn Resident) - Three year term.
Sixth Member (Lewiston Resident) - Three year term.
Seventh Member (Alternating Resident) - Three year term.

Election of Officers

The Directors will annually elect a Chairperson, Vice-Chair, Treasurer, Secretary and such other officers as it may establish in its By-Laws. All Officers of the Board shall be elected annually by ballot of the members of the Board and shall hold office until their successors are chosen and qualified. The Secretary need not be a member of the Board.

The duties of the Chairperson and other officers will be those established in the By-Laws of the Airport Board; and in addition, such duties as may from time to time be prescribed by the Board of Directors and shall otherwise be those duties usually appertaining to their offices. The Treasurer will furnish to the Board a bond, payable to the Airport, issued by a surety company authorized to transact business with the State and satisfactory to the Board of Directors in such sum as the Directors may prescribe and conditioned upon the faithful performance of his duties.

The Directors may appoint an Airport Director on a full-time basis to direct the general administration of the Airport and Industrial Park. The Directors may also, on their own initiative or upon recommendation of the Airport Director, employ such engineers and experts, agents, officers, clerks, and other employees, as it deems necessary for the proper operation and administration of the Airport and may prescribe their duties and compensation.

ARTICLE IV - GENERAL ADMINISTRATION

Fiscal Year, Rates and Charges

The Board of Directors will adopt a fiscal year and will adopt and may thereafter amend by-laws for the conduct of the affairs of the Board. The Directors will also establish a schedule of reasonable rates for the use of the landing area, ramps and other Airport facilities. In fixing such rates, the Directors will take into account the total capital investment of the Airport Board and the Cities of Auburn and Lewiston, the expense of properly maintaining the Airport facilities and the nature, frequency and extent of the use of the Airport facilities which the tenant or licensee propose to make.

Office of the Airport

The Directors will establish an office at the Airport, at which their business may be conducted and in which maps, plans, records and other papers relating to the operation of the Airport will be kept, but the Directors may vote to hold their meetings at either the Lewiston City Building, the Auburn City Building or the Airport. The Directors will, at all times, keep full and accurate accounts of receipts, expenditures, liabilities and assets which will at all reasonable times be open to inspection.

Annual Report - Financial Statement

Ihe Airport Board will make an annual report of its activities arid submit audited financial statements for the preceding fiscal year to the Mayor *and* Council of the City of Auburn and the Mayor and Council of the City of Lewiston.

Seal

NEEDS Amending

The Airport Board will have a seal consisting of a circular die bearing the words "Auburn-Lewiston Municipal Airport - 1978" which may be used whenever deemed advisable by the Board of Directors on papers and documents issued or executed by it or its officers or employees on its behalf.

Estimating Annual Expenses and Revenues

The Board will annually prepare a budget for its next fiscal year itemizing expenses of operations, maintenance and repairs, costs of contemplated capital improvements and payments of principal and interest on fixed indebtedness and other borrowings. The budget will also include such other details as to present assets, surplus, accounts receivable, expenses and liabilities as the Board shall deem advisable and as the Cities of Lewiston and Auburn may reasonably require. The Board will also estimate the anticipated revenues of the Board for the forth-coming fiscal year to be derived from rentals of buildings and equipment, fees charged for the use of the Airport facilities, sale of surplus property and any other source.

City Contribution

In any year in which the anticipated expenses of the Airport Board exceed anticipated revenues, the Directors shall give notice of the estimated net deficit to the Cities of Lewiston and Auburn in time for inclusion in their respective budgets for the next fiscal year. The Cities agree to meet jointly prior to May 20th to review the Airport Board's budget. Each City will include 50% of the estimated deficit in the budget as finally approved in its own budget for the coming fiscal year and will make provisions through assessment of taxes or otherwise to obtain sufficient revenues to pay the same. If the Cities are unable to agree on a budget, each City will include in its respective budget for the corning fiscal year an amount equal to the sum appropriated to the Airport's budget for the previous year.

NO REDUCTIONS TO DEFICIT

ARTICLE VI - GENERAL PROVISIONS REGARDING BOKKOWING

Issuance of Notes

The Airport Board is authorized to issue, from time to time, its temporary notes and renewal notes in anticipation of revenues. Ihe aggregate amount of such temporary notes shall not exceed the total of anticipated revenues for the fiscal year in which the temporary notes are to be issued, and any such temporary notes will be payable during such fiscal year. If the budget for the existing fiscal year has not yet been approved, the aggregate amount of such temporary notes shall not exceed the revenues budgeted for the previous fiscal year.

MAY ISSUE BONDS

Appeal Process

In the event of default in the payment of any such notes, the Airport Board will be entitled to exercise the remedies provided by the Revised Statutes of 1964, Title 30, Section 5053, and any amendments thereto in collecting the same.

ARTICLE VII - CONTRACTS

The Airport Board is authorized to enter binding contracts with other persons, corporations and governmental bodies or agencies thereof, including contracts to lease the use of land, buildings or other Airport facilities presently existing or to be constructed for the purposes set forth in Article I upon such terms as the Directors

shall approve. The Airport Board may also negotiate for, receive and use grants and loans from any governmental body or agency which are available for use in the furtherance of any of the purposes of the Airport Board. The Auburn-Lewiston Airport shall continue to be a "municipal airport" for the purposes of state statutes regarding state aid for airport construction, extension and improvement and the Airport Board shall receive such state aid to which the Cities of Lewiston and Auburn acting jointly would have been entitled.

ARTICLE VIII - DISPOSAL OF SURPLUS PROPERTY

When the Directors determine that any of the Airport Board's real or personal property or interests therein are no longer necessary to the accomplishment of the purposes of the Airport, it may dispose of the same, subject to any restrictions which may be imposed by the Federal Government or its regulatory agencies having administrative jurisdiction over the Airport Board's operation, upon such terms as it considers advisable. Any proposed disposal of real estate or personal property having a value in excess of One Thousand Dollars ($1,000.00) shall be first approved by the Lewiston and Auburn City Councils.

ARTICLE IX - ACQUISITION OF PROPERTY & RIGHT OF EMINENT DOMAIN

Acquisition of Property

The Airport Board may acquire by purchase, lease, gift, or in any other manner such real and personal property, easements, air rights and property rights, whether or not located in Auburn, as may be necessary or convenient to the accomplishment of its purposes, provided that the purchase of any such personal property that is in excess of the sum of Five Hundred ($500.00) Dollars shall be made only after public advertising giving notice thereof and the submission of competitive bids therefore. The Airport is authorized to extend its runways and related facilities over or across the public highways of the City of Auburn where alternative means of access are or can be made available to persons served by the highway and where such construction would not unduly interfere with some other existing public purpose of the City or State.

Crossing Public Utilities

The Board of Directors is authorized to recommend to both the Lewiston City Council and the Auburn City Council the taking by eminent domain of any part of the right-of-way or facilities of the Lewiston and Auburn Railroad Company, including the interest of any person or company who may then be leasing the same, where such action is reasonably necessary to the accomplishment of the purposes of the Airport Board. Where it is otherwise proposed that the runways or other installations of the Airport shall cross or otherwise interfere with property or service of a public utility and where consent of the utility to such crossing is refused, application shall be made to the Public Utilities Commission to determine the place, manner of crossing and the conditions upon which the same is made. Such runway or other installation interfering with the property or service of the public utility shall thereafter be constructed only to the extent permitted by and subject to conditions imposed by the Public Utilities Commission and such work shall be performed under its supervision.

Procedure in Eminent Domain Proceedings

The Airport Board may exercise the power of eminent domain in the names of the Cities of Auburn and Lewiston in the manner provided by 6 MSRA, Section 122 to acquire property required for expansion of or proper operation of the Airport after first obtaining the consent of the Lewiston and Auburn City Councils.

ARTICLE X - PROPERTY TAX EXEMPT

The real and personal property rights of the Airport Board will be exempt from taxation.

ARTICLE XI - RULES AND REGULATIONS

The Board of Directors shall adopt and publish rules and regulations governing the use of the Airport and related facilities.

Violation

Any. violation of those regulations which require compliance with standards of safe conduct by persons and corporations using the Airport and its related facilities shall constitute a misdemeanor punishable by a fine of up to One Hundred ($100.00) Dollars.

Enforcement

The access ways, landing areas, taxiways, ramps, terminal and other parts of the Airport, used in common by persons operating aircraft or other motor vehicles, passengers or guests at the Airport are declared to be public areas with respect to which the regulatory provisions of the Maine Revised Statutes and the Ordinances of the City of Auburn are also applicable.

ARTICLE XII - TERMINATION AND MODIFICATION

The Airport Board will remain in existence for an indefinite term and until terminated by majority vote of the Auburn City Council and a majority vote of the Lewiston City Council. This agreement may also be modified by a majority vote of the Auburn City Council and by a majority vote of the Lewiston City Council. In the event that either municipal body shall vote to modify or terminate this agreement, notice in writing shall immediately be given to the Board of Directors and to the City not initiating the action. In case of decision to terminate, the Board of Directors shall within seven (7) days meet and vote as may be necessary to accomplish the same and the management and control of all of the operations and facilities of the Airport shall be returned to the Cities of Auburn and Lewiston. When both the Auburn City Council and Lewiston City Council have voted to modify this agreement, the Board of Directors shall promptly take such action including amending the articles of incorporation as may be necessary to carry out the terms of the amendment.

In the event that the Airport Board is dissolved, the Cities of Auburn and Lewiston agree to share equally the lifetime contingent liability associated with the Maine State Retirement Plan in which the Board may have elected to participate as an independent local district.

Witness page is on file at the Auburn Lewiston Municipal Airport.

AMENDMENT
December 6, 2007

ARTICLE III - AIRPORT BOARD ORGANIZATIONAL STRUCTURE

Board of Directors

Section 1. Membership
The Board will consist of *nine* members. The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices. A third member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at their first regular meeting. A fourth member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at their first regular meeting. A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. *The eighth member of the board shall be an employee representative of the Androscoggin Valley council of governments. The ninth member would be a employee representative of the Lewiston Auburn Economic Growth Council.* After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the eight other members are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any *five* members, select the seventh member of the Board. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled.

The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth, seventh, members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.

In the event the employee representative of the Androscoggin Valley Council of Governments or the Employee representative of the Lewiston Auburn Economic Growth Council shall die, become incapacitated, resign or is discharged from said offices, their respective agency director shall appoint a member to the Board and such member shall serve only until the respective offices are filled.

By a majority vote of five members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. The decision of the appointing authority shall be binding.

Members of the Board will serve without compensation but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

Section 2. Terms of Office (After Initial Appointments)
Lewiston Finance Director - By virtue of the office.
Auburn City Manager - By virtue of the office.
Lewiston Councilor - While a Councilor of the City of Lewiston.
Auburn Councilor - While a Councilor of the City of Auburn.
Fifth Member (Auburn Resident) - Three-year term.
Sixth Member (Lewiston Resident) - Three-year term.
Seventh Member (Alternating Resident) - Three-year term.
Eighth Member (AVCOG) - By virtue of position
Ninth Member (LAEGC)-By virtue of position

ORDER 59-05012023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby modifies, pursuant to Article XII, the interlocal agreement that established the Auburn-Lewiston Municipal Airport as follows:

ARTICLE III - AIRPORT BOARD ORGANIZATIONAL STRUCTURE

Board of Directors

Section 1. Membership
The Board ~~will~~ shall consist of ~~*nine*~~ *five* members. The Auburn City Manager and the Lewiston City Administrator shall each designate two staff members from their respective cities based on experience in transportation, public works, finance, or economic development~~The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices. A third member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at their first regular meeting. A fourth member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at their first regular meeting. A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the *eight* are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any *five* members, select the seventh member of the Board.~~

The fifth ~~eighth~~ member of the board shall be the Executive Director of ~~an employee representative of~~ the Androscoggin Valley C~~c~~ouncil of G~~g~~overnments or their designee. ~~The ninth member would be a employee representative of the Lewiston Auburn Economic Growth Council. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled. In the event the Executive Director~~employee representative of

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

~~the Androscoggin Valley Council of Governments or the Employee representative of the Lewiston-Auburn Economic Growth Council shall die, become incapacitated, resign or is discharged from said offices, their respective agency director~~ vacates the position without naming a representative to serve the AVCOG Board Chair ~~shall appoint a member to the Board and such member shall serve only until the respective offices~~ is ~~are filled.~~

~~The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth or seventh members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.~~

~~By a majority vote of four *five* members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. The decision of the appointing authority shall be binding.~~

Members of the Board will serve without compensation other than the compensation from the entity they represent but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

Section 2. Terms of Office (After Initial Appointments)
Auburn Staff – By virtue of the appointment
Auburn Staff – By virtue of the appointment
Lewiston Staff – By virtue of the appointment
Lewiston Staff – By virtue of the appointment
AVCOG Executive Director - By virtue of the position
~~Lewiston Finance Director - By virtue of the office.~~
~~Auburn City Manager - By virtue of the office.~~
~~Lewiston Councilor - While a Councilor of the City of Lewiston. Auburn Councilor - While a Councilor of the City of Auburn.~~
~~Fifth Member (Auburn Resident) - Three-year term. Sixth Member (Lewiston Resident) - Three-year term.~~
~~Seventh Member (Alternating Resident) - Three-year term.~~
~~Eighth Member (AVCOG) – By virtue of position Ninth Member (LAEGC) By virtue of position~~

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023 **Order:** 60-05012023

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

Subject: Incentive Funds

Information:

City staff is seeking a change in how previously approved Bond funds can be used to incentivize downtown development. Generally, Bond funds must be expended on improvements that are and remain city-owned for the term of the Bond issue. Nothwithstanding this general requirement, under certain circumstances, and if certain requirements of both State and Federal Tax law are met, Bond funds may be used, either directly (expended by the city) or indirectly (loan / granted to a business), to further economic development activities in the city. While both the direct expenditure and the business loan / grant paths are available to the city, City staff believe that a loan / grant program would make the potential use of available Bond funds significantly more incentivizing to local businesses. Therefore, City staff proposes allowing these available Bond funds to be allocated by the City Manager in the form of a business development forgivable loan / grant to a qualifying business / developer, to be used by the business / developer post-closing on the property. This forgiveable loan / grant program will authorize the City Manager to approve up to Two Hundred Fifty Thousand Dollars ($250,000) in incentive funds per project until all available Bond funds (not to exceed 5% of the total Bond issue) are depleted. To ensure funds remain protected from loss or misuse, the staff is requesting that the City Manager be authorized to provide funds to a qualifying business / developer through a forgivable loan process that will establish both acceptable uses of the funds and clear benchmarks that must be met in order for funds to be disbursed.[1] Upon project completion (issuance of an occupancy permit), the forgivable loan will convert to a grant. Failure to use the funds appropriately or to achieve the benchmarks or to complete the project within a predetermined timeframe will trigger loan repayment over a predetermined period at an interest rate that will cover the costs of managing the collection process. The staff makes this recommendation after significant discussions and negotiations with several developers who want to build substantial projects within the city.

City Budgetary Impacts:

This program will not impact the city's budget as only current approved funds will be used.

Staff Recommended Action:

Approve Order as presented.

---

[1] Per guidance from the City's Bond Counsel, under applicable IRS regulations, the city may not impose any obligation or condition with respect to any grant other than obligtations or conditions designed to ensure that the grant funds are expended for the approved governmental purpose on an acceptable timeline.

Previous Meetings and History: NONE

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
NONE

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a first reading on Monday, May 1, 2023, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing the reallocation of up to $400,000 of unspent proceeds from the City's 2020 General Obligation Bonds to finance a forgivable loan / grant program intended to incentivize private development and investment in the City of Auburn.

The order is available for inspection on the City's website:
a**uburnmaine.gov/pages/government/budget-fy24.**

Following the public hearing and first reading, the City Council expects to conduct a second reading, public hearing and take final action on the order at its May 15, 2023 meeting. Following the public hearing, the City Council will finalize the amount of bond proceeds to be reallocated, which amount may be increased by up to 10%.

Members of the public attend the meeting in person and offer public comment during the meeting. Comments may also be submitted via email sent to: **comments@auburnmaine.gov**. Any submitted comments will be included in the meeting minutes.

The meeting will also be broadcast on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.

ORDER 60-05012023

City Council Order

IN CITY COUNCIL

TITLE: ORDER - Reallocating Unspent Proceeds from the City's 2020 General Obligation Bonds.

WHEREAS, on November 12, 2020, the City of Auburn issued its 2020 General Obligation Bonds in the aggregate principal amount of $8,460,000 (the "2020 Bonds") pursuant to City Council Order No. 67-06012020 (adopted June 15, 2020) (the "2020 Bond Order"), $900,000 of the proceeds of which was authorized to be used to finance economic development activities and described as the Downtown Vision project (referred to as the "Downtown Vision Project"); and

WHEREAS, there remain unspent proceeds of the 2020 Bonds borrowed for the Downtown Vision Project, which excess proceeds the City Council desires to reappropriate and reallocate to be used as part of a loan forgiveness / grant program to promote and support economic development activity and private capital investment in the City (referred to as the "Downtown Investment Incentive Program");

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the City Council makes the following findings and determinations:

- There is an urgent and growing need to promote and support economic development activity and private capital investment in the City of Auburn.

- The City's financial support for qualified development projects through the Downtown Investment Incentive Program would incentivize the creation of significant new development activities in the City.

- Based on the foregoing, the City's promotion of and financial support for qualified projects through the Downtown Investment Incentive Program will generate substantial direct and indirect economic and other public benefits for the City and its residents and constitutes a good and valid public purpose and will contribute to the creation of new employment opportunities and the economic growth and well-being of the inhabitants of the City.

- Any adverse economic effect on or detriment to the City in the promotion of and financial support for qualified projects through the Downtown Investment Incentive Program is outweighed by the public benefit that will follow from the investment in and development of such qualified economic development projects, including but not limited to the creation of new employment opportunities, the economic growth and well-being of the City and the betterment of the health, welfare and safety of its inhabitants.

ORDER 60-05012023

City Council Order

THAT the excess proceeds of the 2020 Bonds, in the amount not to exceed $400,000 be and hereby are appropriated from the amount borrowed as part of the 2020 Bonds (the "Reallocated Bond Proceeds") for the Downtown Vision Project to fund the Downtown Investment Incentive Program.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, establish a loan forgiveness / grant program (the "Loan and Grant Program") to promote and support economic development activity and private capital investment in the City and to allocate Reallocated Bond Proceeds to such economic development activity and private capital investment in and adjacent to the City's downtown as he shall deem suitable and appropriate.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to establish and implement eligibility criteria and performance benchmarks appropriate to the administration of such Loan and Grant Program, which criteria and benchmarks (including the appropriate time schedule) may be established and implemented on a programmatic or a project specific basis, or some combination thereof (the "Project Incentive Requirements").

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to approve up to Two Hundred Fifty Thousand Dollars ($250,000) in incentive funds per project under the Loan and Grant Program, until all available Bond funds (but not to exceed 5% of the issue price of the 2020 Bonds) are depleted, which funds shall be disbursed for a qualifying project initially through a forgivable loan financing structure (a "Forgivable Loan") that will establish the particular Project Incentive Requirements for a qualifying project that must be met in order for funds to be disbursed.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to determine that the particular Project Incentive Requirements for a given Forgivable Loan have been adequately met and that, following such determination, the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to convert the Forgivable Loan to a grant that need not be repaid by the recipient; provided further that if the City Manager determines that the particular Project Incentive Requirements for a given Forgivable Loan have not been adequately met, then such Forgivable Loan shall be repaid to the City under terms and conditions to be established by the City Manager.

THAT the City Manager be and hereby is authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such agreements, certificates, and other documents as may be necessary or advisable to carry out the provisions of this Order.

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

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

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

ORDER 60-05012023

City Council Order

A Public Notice describing the repurposing of the unspent proceeds of the 2020 Bonds was published on or before Saturday, April 29, 2023, in the Sun Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on May 15, 2023.

NOTE: Must be approved by roll call vote.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 1, 2023 **Order:** 61-05012023

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

Subject: CDBG/HOME Action Plan for Program Year 2023

Information:
Each year the Business & Community Development Department presents the Annual Action Plan, detailing the use of Auburn's CDBG funds & the Auburn-Lewiston Consortium's HOME funds. This plan is designed to address community needs as detailed in the 5 year Consolidated Plan which was adopted in 2020.

City Budgetary Impacts:
Auburn's annual CDBG allocation is $534,778, with an additional $1,142,538 of unspent allocations from previous years and an expectation of $200,000 in program income. The Auburn-Lewiston HOME Consortium annual allocation is $546,921, with an additional $672,674 of unspent allocations from previous years and an expectation of $48,000 in program income. Auburn's share of the consortium dollars is $880,169. These federal grant dollars cover staff salary/benefits as well as program activities for the Business and Community Development program.

ACTIVITIES	PY2023 Budget	CDBG	Auburn Home
Administration	$217,575	$122,406	$95,169
Program Delivery	$24,910	$24,910	
Economic Development	$50,000	$50,000	
Public Service Grants	$100,000	$100,000	
Public Improvements (Infrastructure)	$1,005,000	$1,005,000	
Homeowner Rehab	$575,000	$575,000.	
New Construction	$785,000		$785,000
TOTAL EXPENDITURES	**$2,757,485**	**$1,877,316**	**$880,169**

Staff Recommended Action:
Vote to adopt the 2023 CDBG & HOME Action Plan as presented.

Previous Meetings and History:
Public Hearing February 13, 2023
Public Comment Period April 1 - May 1st, 2023

City Manager Comments:

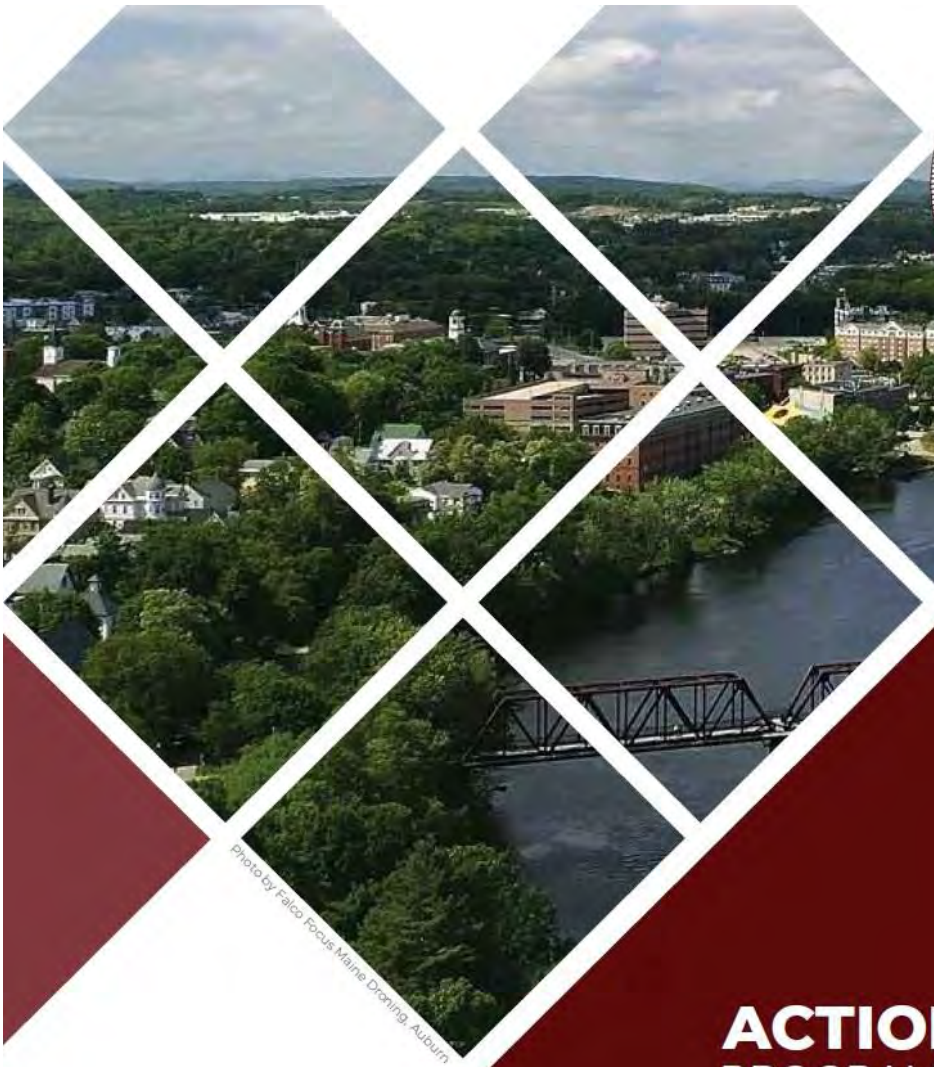
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Partner Presentation List, PY23 CDBG & HOME Action Plan

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

The following Community Development Office partners will provide a two-minute synopsis of their program services, impact and unmet needs seen within the Auburn community.

Safe Voices		**Elise Johansen**
	CDBG	Provided program funds to expand the impact of SafeVoices operations which serve Auburn residents.
Auburn Recreation		**Dawn LaBonte**
	CDBG	Provided program funds for scholarships for income qualified families.
Seniors Plus		**Heather Davis & Patrice Currier**
	CDBG	Provided program funds to expand Meals on Wheels and Information & Assistance for Auburn residents.
IRC of Maine		**Fatuma Hussein**
	Unfunded Partner	Provided partnership and space within Community Development office to expand available housing navigation services.
Rumford Group Homes		**Melissa McEntee, Michelle Worthley & Jeff Tardif**
	HOME-ARP	Provided program funds and office space within Community Development to expand available case management services for homeless families and individuals.
Housing Resources for Youth		**John Hodge**
	HOME-ARP	Provided program funds and space within Community Development office to expand host family facilitation and case management for homeless youth in Auburn school system.
Auburn McKinney-Vento Liaison		**Sasha Anastasoff**
	Unfunded Partner	Expanding partnership with Community Development staff and contracted service providers to respond to the unmet needs of homeless youth in Auburn school system.
Auburn Adult Education		**Kathryn Saunders**
	CDBG-CV	Provided program funds to expand transportation services and connectivity resources for students completing high school requirements and certifications.
Community Credit Union		**Jennifer Hogan**
	Unfunded Partner	Expanding partnership with Community Development staff to provide services to homeless and underserved Auburn residents.



ACTION PLAN
PROGRAM YEAR 2023

Community Development Block Grant & Auburn-Lewiston HOME Consortium

OMB Control No: 2506-0117 (exp. 09/30/2021)

Contents

Executive Summary 3
AP-05 Executive Summary - 91.200(c), 91.220(b) 3
PR-05 Lead & Responsible Agencies - 91.200(b) 13
AP-10 Consultation - 91.100, 91.200(b), 91.215(l) 14
AP-12 Participation - 91.401, 91.105, 91.200(c) 30
AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2) 34
Annual Goals and Objectives 39
AP-35 Projects - 91.420, 91.220(d) 41
AP-38 Project Summary 43
AP-50 Geographic Distribution - 91.420, 91.220(f) 49
Affordable Housing 50
AP-55 Affordable Housing - 91.420, 91.220(g) 50
AP-60 Public Housing - 91.420, 91.220(h) 52
AP-65 Homeless and Other Special Needs Activities - 91.420, 91.220(i) 54
AP-75 Barriers to affordable housing -91.420, 91.220(j) 57
AP-85 Other Actions - 91.420, 91.220(k) 59
Program Specific Requirements 63
Attachments 66

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

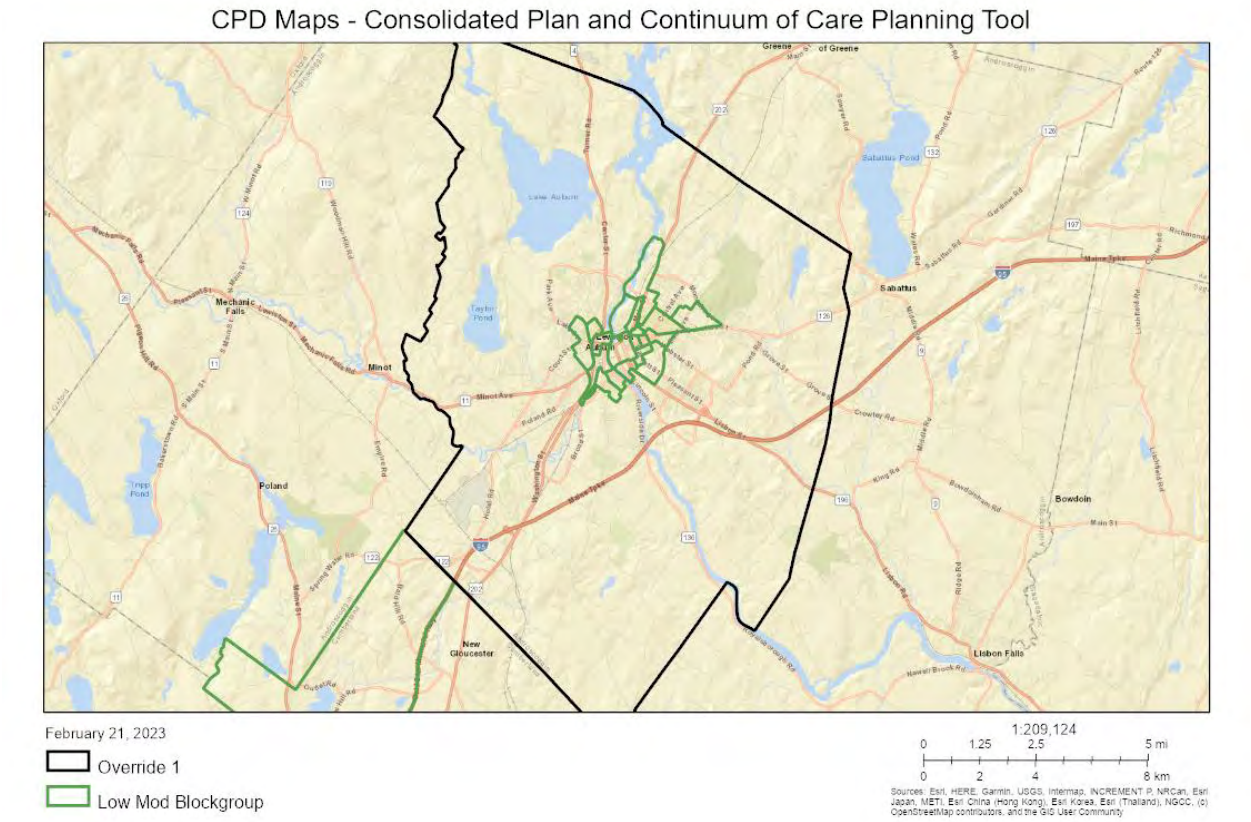
1. Introduction

The City of Auburn Community Development Office (ACDO) is submitting its PY23 Action Plan (AP) to the U.S. Department of Housing and Urban Development (HUD). With the national purpose of the Community Development Block Grant (CDBG) program being to create thriving urban communities by providing suitable living environments, affordable housing, and economic opportunities for low and moderate-income individuals, the ACDO is determined to make a significant impact within Auburn and the Auburn-Lewiston consortium jurisdiction. In addition, the HOME Investment Partnership (HOME) program aims to provide low-income households with affordable housing, further emphasizing the ACDO's commitment to improving the lives of those in need.

The ACDO has developed a comprehensive plan, the 2020-2024 Consolidated Plan (PLAN), for the CDBG program and the HOME program, which includes the cities of Auburn and Lewiston. By identifying various community challenges and unmet needs, setting priorities, and describing how federal resources will address these issues, the ACDO is laying the foundation for significant progress. Moreover, this PLAN established clear goals, objectives, and performance benchmarks to measure progress, providing a framework for determining the prioritization of requests and the development of individual program guidelines.

With a focus on assisting low and moderate-income individuals and families, CDBG funds are targeted to areas of the community in need of improvement, particularly those with a high proportion of low- and moderate-income individuals. The ACDO is dedicated to using the funds for housing improvements, infrastructure improvements, job creation, and providing essential social services. While there is flexibility in the use of funds, the ACDO is committed to meeting the national objective and ensuring that CDBG-funded social service spending remains within the 15% annual allocation cap.

This AP outlines the proposed activities and fourth-year budget for advancing the goals and objectives set forth in the PLAN. The Comprehensive Housing Affordability Strategy (CHAS) data contained within the PLAN, updated with the most recent available data (2015-2019 ACS) for this AP, demonstrates that nearly half of each city’s households qualify, highlighting the pressing need for assistance for 5,055 households in Auburn and 8,230 households in Lewiston. These totals represent nearly 51% of all households in both cities are considered at or below 80% HUD Area Median Family Income (HAMFI), qualifying them as low-to-moderate-income under the CDBG or HOME programs. Therefore, by taking significant steps towards addressing these issues as described within this AP, the ACDO is playing a crucial role in making a positive impact on the lives of those in need within the Auburn and Lewiston communities.



Low-Mod Block Group - ESRI

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The ACDO intends to work towards measurable outcomes established when the 2020-2024 Consolidated Plan was adopted. This PLAN established the 4 goals and outcome expectations indicated below. Data provided demonstrates PLAN-to-Date impact totals for program years 20, 21 & year to date for Program year 2022, cumulatively representing 52% of the 5-year goals established in 2020.

	PLAN Objectives	**PY20 & PY22**	**PY22 YTD**	**Total**	**Total % of PLAN**
Goal #1	Provide Safe & Affordable Housing				
Rental Units Rehabilitated	100	5	7	12	12%
Homeowner Units Rehabilitated	50	15	1	16	32%

Tenant Base Rental Assistance	125	20		20	16%
Goal #2	Improved Infrastructure & Reduce Blight				
Persons Assisted	3,000	2,020	1,570	3,590	120%
Goal #3	Promote Economic Opportunities				
Jobs Created/Retained	10	11		11	110%
Businesses Assisted	10	7		7	70%
Goal #4	Provide Essential Services				
Persons Assisted	1,200	1,584	371	1,955	163%

Table 1 - GOALS OF THE 2020-2024 CONSOLIDATED PLAN

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Of the four established goals within the PLAN, only Goal #1 is behind on its 60% target. Rental & Homeowner rehab projects were delayed for over a year (PY20-PY21) while the COVID-19 pandemic limited the amount contractors who could be working within client homes. The subsequent post-lockdown construction material price increases and contractor shortage has slowed the post-COVID resumption of projects, but progress is beginning to be made within the spring-2023 construction season. While these efforts resulted in a limited number of new projects, new programs and funds were added to the ACDO's portfolio, including the HOME-ARP plan, OLHCHH, MSHA, and the city's ARPA. However, these projects are not included in the HUD Action Plan report.

Missing the target for Tenant-Based Rental Assistance (Security Deposit grants for income-qualifying tenants) is a product of the COVID-19 pandemic and the resulting Emergency Rental Assistance program funded by Maine State Housing Authority (MSHA). During an 18-month period between 2021 and 2022, MSHA funded over $290 million in rent and utility payments for more than 34,000 Maine residents. These factors slowed the need for Security Deposit programs by keeping tenants in their current units. The dramatic increase in average rental rates caused additional challenges to this goal. TBRA programs must abide by High-Home rental rates. As the going rates were much higher than the HUD-required cap for rental rates, many units were overpriced and, therefore, would not qualify for the assistance.

Although not behind in impact, two public infrastructure projects were put on hold during PY21 & PY22 due to higher-than-expected prices. These projects include the redevelopment of crosswalks within the Downtown district and lead abatement projects within public parks. These will be rebid and carried out in late PY22 & PY23.

Lastly, The U.S. Department of Housing & Urban Development (HUD) is closely monitoring the Community Development Offices of Auburn and Lewiston after a city audit revealed compliance issues. During PY21

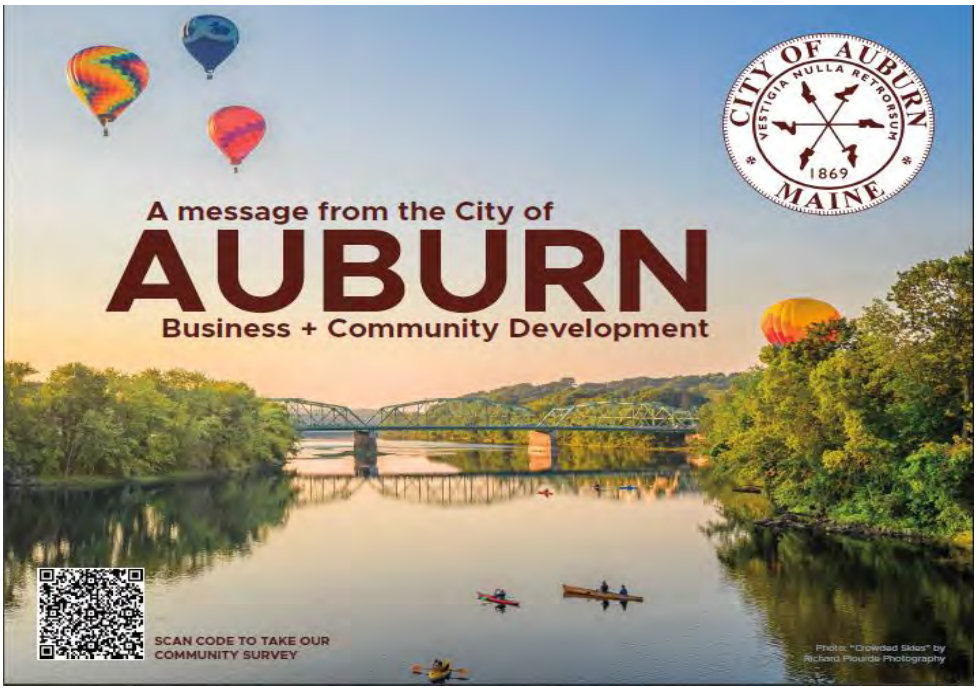
& PY22, corrective actions were taken, and new policies, guidelines, and staff were implemented to ensure compliance with federal regulations.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

It is important to note that the development of the Action Plan for the city of Auburn and the Auburn-Lewiston Consortium is done in compliance with relevant HUD guidelines and the Auburn Citizen Participation Plan. To accomplish this, a community needs survey was circulated in multiple languages and utilized digital and paper surveys to reach as many households as possible. The survey was available for response from December 1st, 2022, to March 30th, 2023. It was completed by over 130 households, comprised of over 300 residents. Additionally, direct consultation efforts were made with area service providers to further understand the community's needs.

In addition to the consultation process, and prior to the development of this Plan, the Auburn City Council held a pre-plan Public Hearing in which residents spoke to the needs of the community and opinions on priorities. This was followed by a 30-day public comment period before the adoption of the CDBG and HOME Action Plans and budgets. The final Action Plan was made available for public input on April 1, 2023, and concluded with a final Public Hearing held by the City Council on May 1st, 2023. Public Notices for these hearings and the solicitation of public input were run in the Sun Journal newspaper, posted on the city's website, and shared on social media accounts to ensure maximum public input. The Action Plan and supplemental information were also available on the City's website.



Direct Mailer sent to ever residential address within Auburn

LAWRENCE HIGH SCHOOL

All the world's a stage for singing custodian

By Kaitlyn Budion
MORNING SENTINEL

FAIRFIELD — If you ever find yourself in the halls of Lawrence High School, don't be surprised to hear the soothing voice of a longtime staffer there who fills the hallways with song as he completes his daily work.

There are times when custodian Terrance Coley Sr. has tried to restrain himself from singing, being careful not to interrupt the schoolwork around him. But when he stops singing, students and faculty will come looking for him asking what's wrong, Coley said.

"I do it every day," he said. "If I don't, these kids, they get thrown off."

Anyone looking for a more formal performance can attend a Lawrence High athletic event where Coley likely will be singing the national anthem.

Coley, 47, has been singing at games since 2007 and has become a pillar of the local music community — not just because of his performances, but because of his connection with students, athletes and fans. He has performed at Lawrence games, Colby College games and in January he sang before his largest audience yet — nearly 19,000 people who attended an NBA game between the host Orlando Magic and Oklahoma City Thunder.

He will sing at just about any sporting event, Coley said, and although baseball is his favorite sport to watch — a New York City native, he's a die-hard Yankees fan — he doesn't have a preference when it comes to singing at one event over another. He loves the energy of the fans at Lawrence games and is happy to turn up for whoever asks.

"Any game they want me to sing at, any game, they know I'm ready," he said.

Growing up in New York City, he went to LaGuardia High School and sang in the Harlem Boys Choir. He composes his own songs and has original music on Spotify, under PoppaT, including a song he wrote for his wife Cahi called "Never Let You Go."

He has taken time to create a distinctive style for singing the anthem, D. Loren Fields, a Lawrence graduate and the longtime band director at the school, said it becomes clear when hearing Coley in the hallways that he sings from his heart and soul.

"I'd be hard pressed to find somebody who does it with more heart," Fields said of Coley's rendition of the anthem.

Coley connects with students and is an uplifting personality, Fields said, calling him the "rising tide that lifts all boats."

"You want to be around him because he's heartfelt and sincere and he's upbeat," Fields said.

PHOTO COURTESY OF RAMSEY STEVENS

Terrance Coley Sr. sings the national anthem before the start of the Class A girls state title game in basketball between Lawrence High School and Brunswick on March 3 at the Augusta Civic Center.

Ryan Pellerin is a Fairfield native who works for the Orlando Magic and arranged for Coley to sing before the game against the Thunder in January. Pellerin, who's the son of Lawrence boys basketball coach Jason Pellerin, has worked with the Magic for about two years and had worked awhile to get Coley booked to sing "The Star Spangled Banner."

Coley and his wife had to pay for the travel, but Jason Pellerin works with Jobs for Maine's Graduates and the program gathered donations to go toward the trip. So the couple took the opportunity to go to Florida a few days early, escape the Maine winter and have a proper vacation.

On the day of the Magic game, Coley arrived early at the stadium for a sound check, thankful that his wife was there to keep him calm and focused. Even after years of singing the anthem, Coley said he still gets nervous every time.

But when the music started, Coley was calm and ready to face an audience of thousands.

"I still can't believe that happened," he said.

His reputation for singing the anthem began when he started working for the school district more than 15 years ago. As Coley sang during his shift, his voice caught the attention of Bill McManus, the athletic director at the time.

McManus set up the first time Coley sang — at an award ceremony for elementary school students. Afterward, the students came up to him and wanted his autograph. McManus died in December and Coley said he's deeply thankful for the path McManus set him on those many years ago.

"He's in my thoughts every time," Coley said.

Before moving to Maine, Coley was working at a restaurant in New York City. But he was worried about his son's safety in the city, a concern that only grew following the terrorist attacks of Sept. 11, 2001. The family decided they needed to move and Coley's partner at the time had family in Maine.

"I needed a change. I needed to get out of the city," he said.

Although moving from the Big Apple to rural Maine may represent a culture shock, Coley had family in South Carolina growing up, and Maine reminds him of that, and his new home was not so unfamiliar after all.

The Magic game was not the only bucket-list performance Coley got to check off this year. He also sang the anthem at the girls Class A state championship basketball game in early March, where Lawrence defeated Brunswick and took home the Gold Ball.

It's the Lawrence community that keeps him coming back to sing game after game, he said.

"I don't need awards or anything because they make me feel like a superstar," Coley said.

LIVING STATIONS OF THE CROSS PLANNED IN AUBURN, RUMFORD

Students at Maine Catholic schools and in parish faith formation programs plan to present the Living Stations of the Cross around the state leading up to Easter Sunday, April 9.

The Stations of the Cross began as the practice of pious pilgrims traveling to Jerusalem to reenact the final journey of Jesus Christ to Calvary. They have been prayed for centuries, allowing Christians who are unable to make a pilgrimage to the Holy Land to spiritually follow in the steps that Jesus took from his arrest and judgment to his crucifixion, death and burial, according to a news release from Dave Guthro, communications director, Roman Catholic Diocese of Portland.

Here is a list of local presentations scheduled:

Palm Sunday, April 2

Rumford
The Living Stations of the Cross will be presented by youth ministry members at 7 p.m. at St. Athanasius & St. John Church, 126 Maine Ave.

Good Friday, April 7

Auburn
Students at Saint Dominic Academy will present the Living Stations of the Cross beginning at 10:45 a.m. in the Callahan Memorial gym of the academy's Auburn campus, 121 Gracelawn Road.

Witness hearings on CMP rate cases set for Lewiston, Hallowell

Maine's Public Utilities Commission wants to hear from Mainers regarding current Central Maine Power rate cases.

All Maine consumers deserve utility service that meets their daily needs at a reasonable price. With inflation continuing to force Mainers to make tougher decisions about paying for necessary household expenses, pushing for policies that will help older ratepayers on fixed incomes is a priority for AARP Maine, according to a news release from Jane Margesson, AARP Maine communications director.

Most Mainers cannot afford a utility rate hike right now, Margesson noted.

The Maine PUC plans to hold local public witness hearings regarding the CMP rate cases. At these meetings, residents are invited to voice concerns and ask questions.

The first will be held Tuesday, April 4, at 6 p.m. at the Ramada Inn, 490 Pleasant St. in Lewiston.

The second will be held Thursday, April 6, at 4 p.m. at the Maine Public Utilities Commission, 26 Katherine Drive in Hallowell. A remote participation option is available.

Those who would like to attend the April 6 public witness hearing virtually must register in advance by contacting the commission at pucpublichearing@maine.gov or 207-287-3831 and providing an email address no later than 4 p.m. Monday, April 3.

Farmington church to present Living Hope cantata April 7, 9

FARMINGTON — A Living Hope cantata is scheduled to be presented at 7 p.m. Friday, April 7 and Sunday, April 9, by New Hope Baptist Church, 268 Perham St.

The 15-voice choir, accompanied by orchestrations, will sing seven songs arranged by Tom Fettke and Thomas Grassi.

Titles include "The Glories of Christ," "He Comes in the Name of the Lord," "Behold, the Love, the Grace of God," "One Sunday Morning," "His Glories Now We Sing," "Our Living Hope" and a reprise of the first song, according to a news release from Sandi Robert, church member.

Interspersed will be readings and Scripture along with a violin/flute duet of "Were You There," "O Love Divine;" a piano solo of "Christ Arose" and a men's ensemble singing "O Sacred Head, Now Wounded."

All are invited to attend this free concert.

For more information, call 207-778-9996.

LEWISTON CRIBBAGE LEAGUE NAMES MARCH 30 PLAYERS

The Lewiston Senior Cribbage League has announced its cribbage results for March 30.

Mike Cielinski and Doris Davis placed first, Bill Burroughs and Pauline Quimby, second; Pauline Cornish and Ron Cloutier, third; Anita Maheux and Reggie Dubois, fourth; and Aaron Burke and Pat Belanger, fifth.

The league welcomes new player Doris Davis.

League play is at 9 a.m. Thursdays at the Lewiston Armory/Lewiston Senior Center, 60 Central Ave. in Lewiston.

Players are encouraged to come early for practice play. The doors open at 8 a.m.

For more information, call Labbe at 207-212-9253.

PUBLIC HEARING

The Auburn Business & Community Development Department announces a public hearing to be held by the Auburn City Council on May 1, 2023 for the purpose of receiving public input from residents regarding the Auburn CDBG & Auburn-Lewiston Home Consortium Annual Action Plan.

This plan, which can be found on the city of Auburn website or by scanning the QR Code below, details how CDBG & HOME funds, as provided by the U.S. Department of Housing & Urban Development (HUD), will be expended during program year 2023.

SCAN ME

Public comments will be accepted during the public hearing. Comments can also be submitted to CDBG@auburnmaine.gov or delivered in person to the Business & Community Development Office until May 1, 2023. To request printed copies, translations, or other accommodations email CDBG@auburnmaine.gov or call the Community Development Office at (207) 333-6601

CENTRAL MAINE COMMUNITY COLLEGE (CMCC)
Central Maine Community College (CMCC) is seeking bids for

full-body adult patient for medical-surgical high-fidelity nursing simulation.

Proposals must be submitted by Wednesday, April 5, 2023 at 1:00pm. If interested in receiving a copy of the RFB, please visit www.cmcc.edu/jobs. To inquire further, please contact Maureen Aube at maube@cmcc.edu or call (207)755-5235.

NOTICE TO CONTRACTORS INVITATION FOR BIDS

Mt. Blue Regional School District RSU 9 is conducting a competitive bid process for the Mt. Blue Middle School Career and Technical Education Addition Project at Mt. Blue Middle School in Farmington, Maine. Bids will be opened and read aloud by the RSU at **2:00 p.m. April 13, 2023.** Project Description: Approximately 5,000 SF addition to create hands-on learning spaces for career and technical education classes. Drawings available on or about March 20, 2023, contact Architect at mike@haddenbergerarch.com 207.766.5822. Optional pre-bid walkthrough March 30, 2023 requires pre-registration with the Architect. See full Advertisement for Bids at https://www.mtblue.org/rsu9-employment/bids/request-for-bids

COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN
2020-2024 Consolidated Plan
Notice of Availability of Documents for Public Comment
AND
Notice of Public Meeting
For
DRAFT Annual Action Plan, Year Four including Budgets
(July 1, 2023-June 30, 2024)

The FFY2023 DRAFT Annual Action Plan and budgets for CDBG and HOME are available for review at the Economic and Community Development Department, 3rd Floor City Hall, 27 Pine Street, Lewiston, ME. Copies of the draft Action Plan and budgets will be made available beginning on April 1, 2023 on the Economic and Community Development Department page of the City's website at CDBG & HOME Information | Lewiston, ME - Official Website (lewistonmaine.gov). In addition to the web, copies of the Draft Annual Action Plan and budgets will be available at the Economic and Community Development Office located on the 3rd floor of Lewiston City Hall.

The 1st public hearing of the DRAFT Annual Action Plans and budgets will be held during the Lewiston City Council's regular meeting on April 18, 2023 at 7:00 pm. The second public hearing will be held on May 2, 2023 at 7:00 pm at the regular City Council meeting when the CDBG and HOME budgets and plans are reviewed for adoption by City Council. The public comment period will begin on April 1, 2023 and end on May 1, 2023.

Written comments on the DRAFT Annual Action Plan should be directed to: Lincoln Jeffers, Director of Economic and Community Development Department, Third Floor City Hall, 27 Pine Street, Lewiston, ME 04240 or via email at ecdd@lewistonmaine.gov.

The City of Lewiston is an EOE. For more information please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.

Lincoln Jeffers
Director of Economic & Community Development

Public Notices are a permanent and independent record of government and court actions. These include state and local government meetings, rule making, available contracts, zoning changes, and many more, as required by law. In addition, parties to some court proceedings, such as foreclosures, probate, and estate actions are required to publish notices to ensure notification of affected parties, as well as the general public. These notices also alert business owners, large and small, to potential government contract jobs, helping to ensure economic activity across a level playing field. Public notices have existed to ensure transparency in all levels of government since the founding of the United States.
State and local notices are published in Maine newspapers and are also recorded at mainenotices.com, where anyone can browse or search notices, and sign up to receive email alerts when relevant notices appear.

Community Survey SM Posting

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

As part of the community survey process, the city requested general unmet needs letters be submitted to the consortium contact information provided herein.

On December 5, 2022, the city received an email (Commenter #1 - Kathy Shaw) requesting the city dedicate staff "promote, advocate and facilitate progress" towards promoting and funding local food production.

On February 13, 2023, the Auburn City Council held a pre-action Plan public hearing.

This Public Hearing can be seen at timestamp 2h:18min by following the link below.

https://www.youtube.com/watch?v=ZgNiBOw1tlw&list=PL8ustjJZ3Nvgf5BewLIePuiT_TICZy3i9&index=2

During this meeting, two residents spoke. The first (Commenter #2 - Larry Pelletier) continued reading an article published by AARP, which they began reading during the first open session earlier that night. This article focused on the causes of homelessness.

The second resident (Commenter #3 - Andrew Titus) asked for reporting on previous year impact metrics and for the new plan to include specific goals relating to lifting people out of poverty.

On March 28, 2023, the Community Development Department presented to the New Auburn Association at Rolly's Diner at 87 Mill St., Auburn, ME 04210. 13 people attended. During the meeting, 4 attendees spoke. Commenter #1, Larry, asked if the rehab programs could help with his water lines. Commenter #3, Tina, asked if the rehab programs could help with building accessible ramps and if painting over lead paint would make a residence lead-safe. Commenter #3, Betty, asked if applications could be made available offline. Commenter #4, Ben, wanted to know if zoning regulations have changed. He owns a multi-unit building and is interested in creating a new unit.

6. Summary of comments or views not accepted and the reasons for not accepting them

Commenter #1 – The ACDO has piloted and launched the Neighborhood Corner Store program. This was funded by the City Council with American Rescue Plan Act funds and provides funds to local grocery retailers which expand their healthy and local grocery offerings. This ongoing program is expected to be fully executed by the end of 2023.

Commenter #2 – The ACDO has made extensive steps to increase direct services for the unhoused community during PY22. Activities providing services to the Qualified Populations under HOME-ARP will continue in PY23. Additionally, the ACDO has developed new integration with MSHA to provide Coordinated Entry into the Homelessness Continuum of Care & ACDO staff moving forward.

Commenter #3 – The ACDO publishes the Consolidated Annual Performance Evaluation Report (CAPER), which provides plan-to-date impact data and budget expenditures. This report is released publicly, and public hearings are held by the City Council each time they are completed. The ACDO will provide a similar summary within the current Action Plan to better inform the community.

7. Summary

STRATEGY #1: PROVIDE SAFE & AFFORDABLE HOUSING

Description: Auburn is utilizing its CDBG program funds to leverage its Lead Hazard Control program and reduce hazardous housing units occupied by vulnerable populations. The use of HOME funds for new unit development projects is also a positive step towards increasing affordable housing options in the city.

In March 2023, the ACDO released a Notice of Funding Opportunity for projects creating new, affordable housing units within Auburn. This will likely attract more, smaller-scale developers and organizations with shovel-ready (and zoning compliant) projects to apply for funding and create more housing options for residents.

Tenant-Based Rental Assistance (TBRA) in the form of Security deposits will continue within this budget and is funded both with HOME funds and existing HOME-ARP funds.

Leveraging additional ARPA & MSHA-funded programs such as the Downtown Façade grant and Accessory Dwelling Unit Development program will also help to revitalize the city's downtown area and provide more housing options for residents. Overall, Auburn is taking proactive steps to address its housing needs and improve the quality of life for its residents.

STRATEGY #2: IMPROVE INFRASTRUCTURE & REDUCE BLIGHT

Description: CDBG funds will be used to address blight remediation and continue the Neighborhood Challenge grant program. These initiatives can have a significant impact on improving the quality of life for residents and increasing community pride. Additionally, the development of publicly owned infrastructure and amenities within targeted neighborhoods can enhance the attractiveness of these areas to potential residents and businesses.

Public Infrastructure projects will be completed within qualified LMI census tracts (Downtown, Union St & New Auburn) and will focus on increasing pedestrian improvements to increase safety in residential neighborhoods and encourage more foot traffic and support to local businesses. Addressing distressed buildings and code violations can improve the overall appearance and safety of the community and may also have a positive impact on property values.

Overall, these efforts demonstrate a commitment to improving the community and creating a more livable and attractive city for residents and visitors alike.

STRATEGY #3: PROMOTE JOBS AND ECONOMIC OPPORTUNITY

The city is stimulating entrepreneurship and providing business loans to income-qualified businesses. These loans can be a valuable source of funding for small businesses and help create jobs and stimulate economic growth.

STRATEGY #4: PROVIDE ESSENTIAL SERVICES

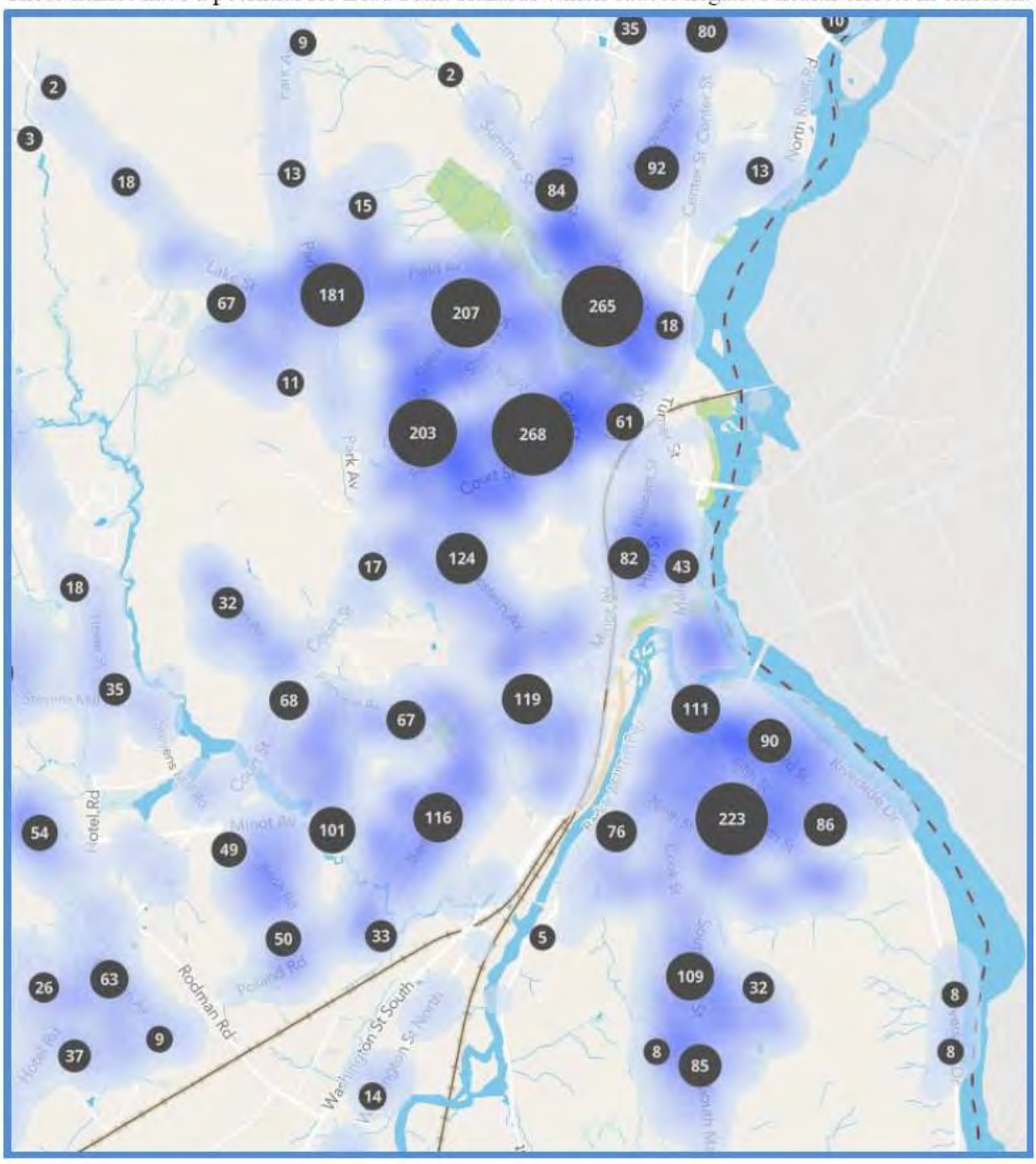
Description: The city is responding to identified needs within the community by spending a portion of the funds available under the Public Service cap to create a position that serves as a Community Assistance Coordinator. This position will coordinate with the General Assistance program and Community Development staff to assist residents in accessing community assistance programs offered by the city and third-party organizations.

Additional funds will still be available to continue supporting homeless people and seniors in the community by funding organizations that have successfully served these populations within the city in the recent past. These priorities were identified as the top 3 services by respondents to the community survey and represent the growing needs observed by regional service providers.

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210 www.auburnmaine.gov
207.333.6601

Identified: Auburn Neighborhoods with high concentration of homes built prior to 1978.

These homes have a potential for Lead Paint Hazards which causes negative health effects in children.



Lead Concentration Map

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	AUBURN	
CDBG Administrator	AUBURN	City of Auburn Business & Community Development
HOPWA Administrator		
HOME Administrator	AUBURN	City of Auburn Business & Community Development
HOPWA-C Administrator		

Table 2 – Responsible Agencies

Narrative

In 2001, Auburn and Lewiston formed a consortium in order to receive HOME Investment Partnerships Program funds. The consortium agreement between Auburn and Lewiston for HOME Investment Partnerships Program funds is structured to meet the funding threshold for HOME funds. Auburn serves as the program sponsor and uses 5% of the available HOME funds to cover the overall administration of the program for the consortium, while the remaining 5% of ADMIN funds are split evenly between both cities. The current year's program fund allocations are divided equally between the two cities, with each city responsible for conducting programs and required monitoring in compliance with HUD regulations. The City of Auburn, as the Representative Member, is responsible for managing and monitoring another member's programs if they do not meet HUD standards. However, there is currently no notice that such action is required.

Consolidated Plan Public Contact Information

The PY23 Action Plan is the 4th year of the 2020-24 Consolidated plan. Comments may be submitted at any time to the Auburn Community Development Office, 60 Court Street, Auburn, ME 04210, tel. 333-6601 or via e-mail at CDBG@auburnmaine.gov.

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

In addition to a public survey and public hearings held by the City Council, the ACDO has been in continual dialogue with Maine State Housing, the Auburn & Lewiston Housing Authorities, private developers, and community service providers in a concerted effort to develop new needs assessment data and improve communications channels between service providers. These efforts are substantially focused on activities that address the needs of individuals who are homeless, at risk of homelessness, or otherwise identified as a Qualified Population (QP) under the HOME-ARP program requirements.

This Annual Action plan can and should recognize the tandem development and submissions of the Annual Action plans and the HOME-ARP plan. The development of these two plans included direct outreach and solicitation of needs assessment data from organizations and partners, as outlined below. Further, activities within the HOME-ARP plan will be reported in the CAPER without increasing the anticipated 5-year impact goals of the PLAN.

The city has also increased its direct consultation and resiliency planning with the local Emergency Management Agency, state and local health agencies, and first responders such as local Police, Fire, and Sherriff departments. These partnerships are in response to emergent climate changes, civil emergencies such as homelessness, food insecurity, and substance/mental health concerns within the community.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The ACDO is working with homeless service providers and other organizations to prevent and eliminate homelessness in Maine. The Continuum of Care (COC) is an excellent example of a collaborative effort among service providers serving a particular geographic area to develop programs that address housing and homelessness. It's also positive to see that Lewiston and Auburn are part of the Maine State Continuum of Care and that a HUB Coordinator has been appointed to facilitate the development of a coordinated entry for COC services while quantifying locally generated housing service data.

The Lewiston-Auburn Alliance for Services to the Homeless (LAASH) is another excellent example of a local collaborative effort to improve access to services and housing for persons who are homeless or at risk of homelessness. Auburn and Lewiston Community Development staff participate in LAASH, which meets monthly to focus on local homeless issues and provide a forum for educating its members.

The establishment of working partnerships with mental health and service agencies is also commendable. The city's contracted position for Project Support You (PSY), staffed by a certified mental health and crisis intervention specialist from Tri-County Mental Health Services, is an excellent example of a program that

co-responds to police and medical calls involving individuals suffering from substance or mental health issues.

It's concerning to report that a majority of the private sector homeless shelters operating within the cities are not participating in the Maine CoC outreach provider program and are not contributing to the Homeless Management Information System (HMIS) data. Full participation in these comprehensive data-sharing systems is essential to provide accurate information about the local homeless population and provide strategic case management referrals and information sharing by many of the participating service providers in the state.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The HOME-ARP program has been instrumental in creating a Housing Resource Coordinator position, which serves as a Coordinated Entry (CE) point to the Maine CoC for at-risk and other Qualified Populations in the jurisdiction. This role collaborates with various stakeholders, including local homeless service providers, community advocates, and mental healthcare providers, to provide much-needed support to those in need.

Furthermore, the City of Auburn has integrated its Community Development Office, General Assistance, and Public Health Offices to maximize its efforts and work in tandem with organizations like LAASH. These three offices continue to share resources and coordinate services and referrals with the HUB Coordinator to offer more comprehensive assistance to the homeless and at-risk populations. The HOME-ARP plan has also created new positions, which work in collaboration with the HUB Coordinator, local Housing Navigators, and private service providers to provide outreach and direct services to qualified individuals.

Increased coordination with the city Public Health Manager and the McKinney-Vento Liaison within the Auburn school system has served to demonstrate a dramatic increase in McKinney-Vento qualified youth within the Auburn school system. As of March 2023, 199 students have been reported as homeless or living in substandard housing (including 39 unaccompanied youth). This rate represents 11.5% of the total enrolled population, a notable uptick from the 69 reported students at the same time last year.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Auburn Community Development Office (ACDO) has successfully collaborated with the Maine State Housing Authority (MSHA) to gain direct access to the Homeless Management Information System (HMIS) for city staff. This agreement involves MSHA covering the cost of the software licenses while ACDO and

General Assistance staff perform MSHA-approved outreach and Coordinated Entry assessments to ensure efficient data collection and analysis.

Looking ahead, the City of Auburn plans to apply for Emergency Shelter and Housing Assistance Program (ESHAP) funding in November 2023 to further diversify funding and sustain direct services for homeless and at-risk residents. This initiative also aims to strengthen the integration of city-provided services within the broader Continuum of Care framework, reinforcing the city's commitment to preventing and eliminating homelessness in the area.

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	MAINE STATE HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Agency was consulted as a data source for Point in Time reporting and continued coordination of the Continuum of Care. Consultation and coordination of activities are ongoing. ACDO staff has consulted with the MSHA HUB Coordinator to ensure that the plans being developed will be complementary in nature. The city integrates data from MSHA Outlook 2023 into its plan development.
4	**Agency/Group/Organization**	AUBURN HOUSING AUTHORITY
	Agency/Group/Organization Type	Housing PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO and AHA staff work regularly to coordinate affordable housing needs and security deposit programs.
5	**Agency/Group/Organization**	Androscoggin Council of Governments
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with AVCOG on Environmental Reviews and transportation issues.
6	**Agency/Group/Organization**	Androscoggin Emergency Management Agency
	Agency/Group/Organization Type	Agency - Managing Flood Prone Areas Agency - Emergency Management Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The ACDO staff consults with EMA staff regarding emergency housing resources and coordinates responses to the housing crisis.
7	**Agency/Group/Organization**	Auburn Fire Department
	Agency/Group/Organization Type	Agency - Emergency Management Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Non-Homeless Special Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	City Public Health and ACDO team meets semi-annually with Fire Department leadership to coordinate services and referrals provided.
8	**Agency/Group/Organization**	Auburn Police Department
	Agency/Group/Organization Type	Agency - Emergency Management Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	City Public Health and ACDO team meets semi-annually with Police Department leadership to coordinate services and referrals provided.
10	**Agency/Group/Organization**	CATHOLIC CHARITIES OF ME - SEARCH
	Agency/Group/Organization Type	Services - Housing Services-homeless Services-Health Services-Education
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consults with the agency to assess the needs of homeless persons and asylum seekers.

11	**Agency/Group/Organization**	COMMUNITY CONCEPTS FINANCE CORPORATION
	Agency/Group/Organization Type	Services - Housing Services-Health Services-Education Services-Employment Services - Broadband Internet Service Providers
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff work with CCFC team members regarding financial literacy and homebuyer education needs within the community.
12	**Agency/Group/Organization**	COMMUNITY CONCEPTS, INC.
	Agency/Group/Organization Type	Services-Health Services-Education Services-Employment Child Welfare Agency
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The ACDO staff have consulted regularly with CCI executive leadership about homelessness and financial capability services.

13	**Agency/Group/Organization**	City of Auburn Recreation Dept
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The city of Auburn solicits information from Recreation program directors regarding the unmet needs of their clients.
14	**Agency/Group/Organization**	Lewiston-Auburn Alliance for Services to the Homeless (LAASH)
	Agency/Group/Organization Type	Services-homeless Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO Staff are regular participants in LAASH monthly service provider meetings.
15	**Agency/Group/Organization**	City of Lewiston - General Assistance
	Agency/Group/Organization Type	Services - Housing Services-homeless Other government - Local

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	General Assistance departments from both cities communicate regularly regarding presenting needs and available resources that can be shared between cities and residents.
16	**Agency/Group/Organization**	LEWISTON-AUBURN TRANSIT COMMITTEE
	Agency/Group/Organization Type	Other government - Local Regional organization Planning organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO works with the Director of Transportation to gain valuable input on plans for new affordable housing developments and access via public transportation feasibility and improvement studies.
17	**Agency/Group/Organization**	SAFE VOICES
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Victims of Domestic Violence Services-homeless Child Welfare Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with agency leadership to assess unmet needs of the DV population.

18	**Agency/Group/Organization**	Seniors Plus
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with agency leadership to assess unmet needs of the Senior population.
19	**Agency/Group/Organization**	LA Metro Chamber of Commerce
	Agency/Group/Organization Type	Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO works with the agency to assess the needs of the job-seeking population through its efforts with Strengthen L/A.
20	**Agency/Group/Organization**	Auburn Adult Education
	Agency/Group/Organization Type	Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with agency program staff to determine unmet needs within the community, specifically around access barriers to continued education, including transportation.

21	**Agency/Group/Organization**	Maine Center for Disease Control and Prevention
	Agency/Group/Organization Type	Other government - State
	What section of the Plan was addressed by Consultation?	Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with CDC regularly through collaborative work on Lead Abatement and EBLL child poisoning cases.
22	**Agency/Group/Organization**	Rumford Group Home Inc - Leeds Family Center
	Agency/Group/Organization Type	Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consults with agency leadership to assess the unmet needs of the local homeless population.
23	**Agency/Group/Organization**	An Angel's Wing Inc.
	Agency/Group/Organization Type	Services - Housing Services-Persons with Disabilities Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs related to substance abuse and mental health disorders in the jurisdiction.
24	**Agency/Group/Organization**	COMMUNITY CREDIT UNION
	Agency/Group/Organization Type	Services - Narrowing the Digital Divide Business Leaders
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs within the jurisdiction related to housing, economic, and financial capability assistance needs within the community.
25	**Agency/Group/Organization**	Goodwill Northern New England
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Health Services-Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs within the jurisdiction related to job training needs for youth within the community.
26	**Agency/Group/Organization**	Pleasant St Drop-in Center
	Agency/Group/Organization Type	Services-homeless

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs within the jurisdiction related to homeless assistance needs within the community.
27	**Agency/Group/Organization**	NUTRITION CENTER OF MAINE, ST. MARY'S HEALTH SYSTEMS
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO consulted with the agency regarding unmet needs in the jurisdiction related to housing, homelessness, and access to healthy foods within the community.
28	**Agency/Group/Organization**	AUBURN SCHOOL DEPARTMENT, 60 COURT STREET, AUBURN, ME 04210
	Agency/Group/Organization Type	Services-Education Child Welfare Agency
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACDO staff consulted the McKinney-Vento Liaison within the school department regarding homeless and unaccompanied youth being serviced under the McKinney-Vento Act.

Identify any Agency Types not consulted and provide rationale for not consulting

No agency types were intentionally not consulted.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Maine State Housing Authority	The Cities of Auburn and Lewiston have formed a consortium to qualify for HOME Investment Partnerships Program funds, with the grant funds shared by both cities. The 3-year HOME Consortium plan includes a consultation process with Maine State Housing Authority for the recertification. Lewiston and Auburn Community Development staff both participate in the Lewiston-Auburn Alliance for Services to the Homeless (LAASH), which meets monthly. As part of developing the 2020-2024 Consolidated Plan, Auburn and Lewiston Community Development staff worked closely on the plan's development and implementation. Both Lewiston and Auburn have continued the development of new, affordable rental units. General Assistance and Public Health offices coordinate with the Coordinated Entry system and emergency shelters.
Natural Hazard Mitigation Plan	Androscoggin EMA	This plan addresses the potential impacts of climate change and social emergencies utilizing the HAZUS method, a model for estimating the risk of damage from earthquakes, floods, solar flares, hurricanes, and other known hazards. This plan identifies a potential 866 households (1,225 individuals) that would need sheltering in response to flood impacts. Additionally, this plan estimates that 2,323 individuals would require emergency shelter options in response to a potential increase in hurricane damage.
Analysis of Impediments to Fair Housing Choice	Maine State Housing Authority	Published in October 2019, this plan recognizes similar impediments at the state level as are seen locally, including a Lack of Affordable Housing unit development, Racial and Ethnic barriers, and zoning difficulties posed by NIMBYism efforts (discrimination by communities and neighbors).
Hope & Opportunity for ME	Coordinated Community Plan (CCP) Planning Committee	This HUD-funded Youth Homelessness Demonstration Program (YHDP) results from a $3.3 million planning and Technical Assistance grant to assess and respond to the needs of Maine's homeless youth and young adults. The plan identifies additional partners, including the Department of Education, DHHS, and identified coordinated entry positions. This initiative will not only increase the efficacy of data collection and analysis within the HMIS system but increases coordination between service provider partners.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Comprehensive Plan, 2021	City of Auburn	This plan focuses on established priorities that provide for the quality of life for Auburn's current and future residents. It outlines specific zoning and services to be equitably provided across the diverse types of neighborhoods, from rural to high-density urban and everything in between.
Strategic Plan, 2019	City of Auburn	The city Strategic Plan establishes 3 committees that oversee the implementation and progress of the city Comprehensive Plan.
Mainehousing Outlook 2023	Maine State Housing Authority	Published in December 2022, this plan assesses the health and development of affordable housing and housing assistance programs state-wide.

Table 3 – Other local / regional / federal planning efforts

Narrative

The City of Auburn is taking a proactive approach to service delivery by incorporating the General Assistance office and Public Health officer into regular meetings with Community Development staff while simultaneously creating three new positions focusing on providing service to area residents. The Housing Resource Coordinator (funded with HOME-ARP), the Project Support You Co-Responder (Funded by city ARPA funds), and the new Community Assistance Coordinator (funded in part by CDBG & City funds) will dramatically increase the amount of direct care and service provided by the city of Auburn to its residents. This approach offers a more holistic approach to service delivery and can help to identify, address issues, and coordinate responses more effectively.

Broadband access is an important issue for many households, particularly those in rural and low/mod income households. Multiple broadband providers are available in the area; some offer programs for qualifying low/mod households. Increased competition between providers can also benefit consumers. Over 90% of respondents to the community survey indicated they have adequate internet at home. This trend is focused within the urban downtown districts, but rural residents still face cost burdens to connecting to high-speed internet.

The consortium works with the Androscoggin County Emergency Management Agency (EMA) to assess and prepare for natural disasters. With increased climatic changes and civil needs in the area, it's essential to be prepared for emergencies. The potential for increased flooding in the 100-year floodplain due to climate change is a concern. The city is working with partners at EMA to develop responses to potential floods and environmental events.

Overall, the City of Auburn is taking a proactive and comprehensive approach to addressing the various issues facing the community. The partnerships with multiple organizations and agencies are also encouraging and can help ensure that the city is prepared for emergencies and can provide effective services to residents.

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

This PY23 annual Action Plan incorporates further improvements to increase participation. The addition of an annual, locally focused, and managed housing and community needs survey has allowed for greater programmatic efficiencies to be implemented based on sound data.

These changes include more pragmatic improvements directly responding to community residents' current needs. The primary need is to solicit greater participation in the identification of local community needs on an annual basis. By developing and refining a local survey program, which demonstrates more diversity while eliminating traditional (or COVID-19) barriers to participation, city staff has been better prepared to respond to Auburn and Lewiston residents' new and rapidly changing needs.

Still, traditional methods of paper surveys, disseminated through dozens of service provider partners and area non-profits, allowed for the additional inclusion of input from community members with substandard access to and capabilities managing internet connectivity and fluency. This will remain an essential part of diversifying community engagement and outreach efforts to ensure that as the methods of operation modernize, no members are left behind.

Additionally, in coordination with implementing the HOME-ARP plan, Auburn and Lewiston staff work monthly with multiple homeless service providers, first responders, and educational institutions. This input was incorporated into the development of both plans.

New efforts have been created by ACDO staff around landlord engagement. This process involves monthly meetings with landlord groups, housing service providers, and case managers. This communication and needs assessments focus on placing unhoused individuals in permanent housing provided by local private landlords and promoting and receiving feedback on current and proposed landlord incentives and rehabilitation opportunities. This ongoing process that culminates in June with a local housing summit event held in Auburn’s Festival Plaza.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons
1	Public Hearing	Non-targeted/broad community	On February 13, 2023, the Auburn City Council held a pre-action Plan public hearing. This Public Hearing can be seen at timestamp 2h:18min by following the link below.	During this meeting, two residents spoke. The first (Commenter #1 - Larry Pelletier) continued reading an article published by AARP, which they began reading during the first open session earlier that night. This article focused on homelessness causes. The second resident (Commenter #2 - Andrew Titus) urged a reporting on previous year impact metrics and that the new plan includes specific goals related to lifting people out of poverty.	n/a

2	Community Survey	Non-English Speaking - Specify other language: French, Spanish, Swahili, Somali Non-targeted/broad community	Summary of response/attendance On February 13, 2023, the Auburn City Council held a pre-action Plan public hearing. This Public Hearing can be seen at timestamp 2h:18min by following the link below. As of April 18th, 2023, 120 Auburn residents and 13 non-residents completed the survey. Of these respondents, 60% were homeowners, 36% were renters, and 3% were unhoused. Of the 318 total household occupants included in the survey, 79 were seniors, 180 adults, 49 children aged 7-17, and 21 children under 6.		Notable responses indicate that 8% have had a household member who has experienced homelessness within the last 12 months. 59% of respondents reported paying more than 30% of their monthly income on housing-related expenses. 34% stated that a household member is currently under/unemployed. The top 3 services respondents want the city to prioritize are Homelessness - 65%, Seniors - 44%, and Substance Abuse - 33%. The top 3 priorities that they believe the city should fund are Affordable Housing - 70%, Food Assistance - 41%, and

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons
					Rental Assistance - 31%.
3	Public Meeting	New Auburn Community	On March 28, the Community Development Department presented to the New Auburn Association on the various HUD-funded programs available to qualified participants. 13 people attended. Attendees received a handout with links to applications for all HUD-funded Community Development programs. Programs discussed were Lead rehab, CDBG Critical Repair, Downtown residential exterior improvements, heating assistance, TBRA, HOME-ARP supportive services, HOME downpayment assistance, and assistance for new unit creation.	During the meeting, 4 attendees spoke. Commenter #1, Larry, asked if the rehab programs could help with his water lines. Commenter #3, Tina, asked if the rehab programs could help with building accessible ramps and if painting over lead paint would make a residence lead-safe. Commenter #3, Betty, asked if applications could be made available offline. Commenter #4, Ben, wanted to know if zoning regulations have changed. He owns a multi-unit building and is interested in creating a new unit.	N/A

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

Funding for the Community Development Program is derived from Community Development Block Grant and HOME Investment Partnerships Program allocations for Auburn and Lewiston. These yearly allocations are supplemented by their respective program income derived from current loan principal paybacks expected within the program year and unspent funds carried over from prior years. Allocations are presented as expected to be indicated on our FY23 award letter from HUD and internal reports designating available program income and prior year funds. Prior year resources include unspent funds from both CDBG and HOME funds. Unspent CDBG funds from program years 2018, 2019, 2020, 2021 and 2022 are included. Unspent funds from the HOME program include program years 2015, 2017, 2018, 2019, 2020, 2021, and 2022. These unspent funds are the result of previous year projects which may have been canceled, as well as balances of funds initially set aside for expenditures that fell short of budget expectations. Within this Action Plan, these funds are allocated to new projects as indicated and within guidelines established by HUD.

Additional impacts to expected resources for this PLAN are derived from two outstanding Voluntary Grant Reductions (VGRs). These VGRs result from multiple projects being partially disqualified during the 2020 HUD monitoring. The expected impact of these reductions total $47,243.34 in decreased funds available for the CDBG program over the PY23 & PY24 and $81,788.01 in HOME funds. HUD has determined that these impacts

will now be delayed until PY24.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	534,778	200,000	1,142,538	1,877,316	735,000	Resources available include the anticipated allocation, program income, and unspent CDBG funds from the previous years. Funds anticipated for the remainder of the ConPlan include the annual allocation and projected program income.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	546,921	48,000	672,674	1,267,595	594,921	Resources available include the anticipated allocation, program income, and unspent HOME funds from the previous years. Funds anticipated for the remainder of the ConPlan include the annual allocation and projected program income.

Table 3 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

This workplan has taken a proactive approach to engaging with third-party community service providers and smaller, shovel-ready housing development projects that fit within existing city Code & Zoning standards.

Community Development funds that leverage additional resources are primarily public service activities and multi-unit rehab projects that require owner contributions. The addition of the Lead Hazard Reduction program will also utilize a portion of CDBG funds to cover match requirements for income-qualifying owners. These funds effectively leverage private and state-funded programs. Investor-owned properties require a 25%

match. Housing programs that target owner-occupied low-income populations have no match requirements.

Federal HOME funds will leverage private resources primarily through rental development projects. Auburn and Lewiston each have rental development projects planned and in construction. The city of Auburn is working on new unit development through a new Affordable Housing Development NOFO. The City of Lewiston is continuing the Choice Neighborhood development, which will leverage private capital contribution. These funds will be added to the previous year's match carry forward to satisfy the requirement.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Auburn's Economic Development Office has multiple city-owned properties currently under contract to sell to private commercial developers.

Discussion

Funding from prior year resources is notable within this budget, yet these numbers are not included in the amount expected for the remainder of the Con Plan. This number is the sum of new allocations and Program income for the next 2 program years.

If there is a reduction in the annual allocation from HUD or a shortfall in expected program income, an equally proportionate reduction will be made to the budget. These reductions will come from the Affordable Housing budget.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Provide Safe and Affordable Housing	2020	2024	Affordable Housing Public Housing Homeless Non-Homeless Special Needs		Provide Safe and Affordable Housing	CDBG: $599,910 HOME: $1,158,753	Rental units constructed: 7 Household Housing Unit Rental units rehabilitated: 25 Household Housing Unit Homeowner Housing Rehabilitated: 10 Household Housing Unit Tenant-based rental assistance / Rapid Rehousing: 15 Households Assisted
2	Promote Economic Opportunities	2020	2024	Non-Housing Community Development		Promote Economic Opportunities	CDBG: $50,000	Jobs created/retained: 5 Jobs Businesses assisted: 5 Businesses Assisted
3	Provide Essential Services	2020	2024	Homeless Non-Homeless Special Needs		Provide Essential Services	CDBG: $100,000	Public service activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
4	Improve Infrastructure and reduce blight	2020	2024	Non-Housing Community Development		Improve Public Infrastructure and remove blight	CDBG: $1,005,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1000 Persons Assisted

Table 4 – Goals Summary

Goal Descriptions

1	**Goal Name**	Provide Safe and Affordable Housing
	Goal Description	Rental Units Rehabilitated: 25 Homeowner Housing Rehabilitated: 10 HOME Rental Units Created: 7 TBRA Security Deposits: 15 Households
2	**Goal Name**	Promote Economic Opportunities
	Goal Description	Businesses Assisted: 5
3	**Goal Name**	Provide Essential Services
	Goal Description	Public Service Activities other than Low/Mod Housing benefit: 500 Persons assisted
4	**Goal Name**	Improve Infrastructure and reduce blight
	Goal Description	Public infrastructure improvements: 1000 persons assisted

AP-35 Projects - 91.420, 91.220(d)

Introduction

The following tables list the activities and programs that will be supported using HUD program funds during the 2022-23 program year. The objectives are to:

1. Provide Safe and Affordable Housing
2. Improve Public Infrastructure and Eliminate Blight
3. Promote Economic Opportunities
4. Provide Essential Services

The difference between the totals in the AP-35 & the AP-20 is due to administrative expenses.

#	Project Name
1	2023 Housing Rehab
2	2023 Housing Construction
3	2023 Economic Development
4	2023 Public Service
5	2023 Public Infrastructure
6	2023 Administration
7	2023 Lewiston Admin
8	2023 Lewiston Security Deposits
9	2023 Lewiston HOME Construction

Table 5 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Allocation priorities for Auburn focus on improving the quality and safety of existing housing stock as directed by the city strategic plan. In the community survey, 73% of respondents said their homes were "cold & drafty," while another 39% indicated their homes had either leaky roofs and/or wet basements.

Increased attention is being given to the development of small-project affordable housing stock. 59% of respondents to the community survey indicated that they were paying more than 30% of their monthly income toward housing. This shows that over half of the city population by percentage is rent burdened per HUD standards. The development of new, affordable units will help Low-moderate income residents attain housing that is both up to city housing standards and affordable. 70% of respondents to the community survey indicated affordable housing development as a top priority for the city.

Most Public Services are being provided directly by city staff, with allocations based on a prioritization of homeless & at-risk residents. These priorities are established within the responses of the community-wide survey, in which 65% of respondents stated that services to people experiencing homelessness should be

the city's top priority. After homelessness, 44% stated services should be provided to seniors, and another 33% stated additional services are needed around substance abuse treatments.

Public infrastructure improvements in Auburn are based on 55% of community survey respondents stating that safety concerns keep them from walking within their neighborhood. This includes a lack of accessible crosswalks and pedestrian safety measures. This input reflects data provided by the CDC Environmental Justice Index, which has identified the Downtown, Union Street, and the New Auburn census tracts as being burdened by high-volume roadways in proximity to residential neighborhoods.

Lewiston's priorities for HOME funds are based on the need to increase affordable housing units while still supporting TBRA services for income-qualifying residents.

AP-38 Project Summary

Project Summary Information

1	**Project Name**	2023 Housing Rehab
	Target Area	
	Goals Supported	Provide Safe and Affordable Housing
	Needs Addressed	Provide Safe and Affordable Housing
	Funding	CDBG: $599,910
	Description	Rehabilitation of existing single and multi-unit residential buildings
	Target Date	6/30/0024
	Estimate the number and type of families that will benefit from the proposed activities	25 Rental Units Rehabilitated, 10 Homeowner Units Rehabilitated
	Location Description	Within Auburn
	Planned Activities	Critical Repair LOAN PROGRAM - $400,000 LMI LEAD Match Grants - 150,000 LEAD TESTING/CLEARANCE - $15,000 Project Delivery Cost - $14,910.01
2	**Project Name**	2023 Housing Construction
	Target Area	
	Goals Supported	Provide Safe and Affordable Housing
	Needs Addressed	Provide Safe and Affordable Housing
	Funding	HOME: $785,000
	Description	Creation of 5 new rental units
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	Five qualifying AMI households.
	Location Description	Within Auburn

	Planned Activities	Creation of 5 new rental units
3	**Project Name**	2023 Economic Development
	Target Area	
	Goals Supported	Promote Economic Opportunities
	Needs Addressed	Promote Economic Opportunities
	Funding	CDBG: $50,000
	Description	Business loans will be made to income-qualifying micro-enterprises.
	Target Date	6/30/0024
	Estimate the number and type of families that will benefit from the proposed activities	5 LMI qualified businesses
	Location Description	Within Auburn
	Planned Activities	Provide loans to income-qualified micro-enterprises.
4	**Project Name**	2023 Public Service
	Target Area	
	Goals Supported	Provide Essential Services
	Needs Addressed	Provide Essential Services
	Funding	CDBG: $100,000
	Description	Providing essential services to Auburn residents
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	500 income qualified residents/households
	Location Description	Within Auburn

	Planned Activities	The city is responding to identified needs within the community by spending a portion of the funds available under the Public Service cap creating a position which serves as a Community Assistance Coordinator. This position will work in coordination with the General Assistance program and Community Development staff to provide residents assistance in accessing community assistance programs provided by both the city as well as third party organizations. Additional funds will still be made available to continue supporting homeless and seniors in the community by funding organizations which have successfully served these populations within the city in the recent past. These priorities were identified as the top 3 services by respondents to the community survey and represent the growing needs observed by regional service providers. Public Service Coordinator (0.5FTE) - $35,000 Recreation Youth Scholarships - $20,000 SafeVoices Shelter - $20,000 SeniorsPlus Meals on Wheels - $25,000
5	**Project Name**	2023 Public Infrastructure
	Target Area	
	Goals Supported	Improve Infrastructure and reduce blight
	Needs Addressed	Improve Public Infrastructure and remove blight
	Funding	CDBG: $1,005,000

	Description	CDBG funds will be used to address blight remediation, as well as continue the Neighborhood Challenge grant program. These initiatives can have a significant impact on improving the quality of life for residents and increasing community pride. Additionally, the development of publicly owned infrastructure and amenities within targeted neighborhoods can enhance the attractiveness of these areas to potential residents and businesses. The focus on increasing pedestrian safety within the Downtown census tract is also important, as it can encourage more foot traffic and support local businesses. Addressing distressed buildings and code violations can improve the overall appearance and safety of the community and may also have a positive impact on property values. Overall, these efforts demonstrate a commitment to improving the community and creating a more livable and attractive city for residents and visitors alike.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	1,000 LMI residents
	Location Description	Within Auburn, with prioritization to LMI-qualified census tracts
	Planned Activities	Public Infrastructure Projects focused on Pedestrian & Public Safety within the three qualified census tracts (Downtown, Union St & New Auburn) - $870,000 Neighborhood Challenge Grants for improvements to public facilities within the three qualified census tracts (Downtown, Union St & New Auburn- $35,000 Spot/Blight Remediation of hazardous and/or dangerous buildings within the three qualified census tracts (Downtown, Union St & New Auburn) - $100,000
6	**Project Name**	2023 Administration
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: $122,406 HOME: $95,169

	Description	Personnel and administrative costs for delivering services
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	n/a
	Location Description	Within Auburn
	Planned Activities	Administrative expenses for planning and delivering program activities.
7	**Project Name**	2023 Lewiston Admin
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	HOME: $13,673
	Description	Administration expenses for Lewiston HOME program
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	n/a
	Location Description	Within Lewiston
	Planned Activities	Administrative expenses for operation of Lewiston HOME program activities
8	**Project Name**	2023 Lewiston Security Deposits
	Target Area	
	Goals Supported	Provide Safe and Affordable Housing
	Needs Addressed	Provide Safe and Affordable Housing
	Funding	HOME: $15,000
	Description	Tenant-based rental assistance in the form of Security Deposits
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	15 income-qualifying households

	Location Description	Within Lewiston
	Planned Activities	Providing Security Deposit assistance for income-qualified households
9	**Project Name**	2023 Lewiston HOME Construction
	Target Area	
	Goals Supported	Provide Safe and Affordable Housing
	Needs Addressed	Provide Safe and Affordable Housing
	Funding	HOME: $358,753
	Description	
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	2 Income-qualified households
	Location Description	Within Lewiston
	Planned Activities	Construction of new affordable rental units

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

In Auburn, priority will be given to the Downtown (Census Tract # 101), The Union St Neighborhood (Census Tract # 103), and the New Auburn Area (Census Tract #105). The most recent HUD CHAS data shows that these tracts qualify as 51% LMI by population and are primarily residential.

Geographic Distribution

Target Area	Percentage of Funds

Table 6 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The 2011-2015 American Community Census identified these 3 census tracts in Auburn, where a majority of the households qualify as Low-To-Moderate Income levels. For this reason, these 3 tracts will be a focus of the city's affirmative marketing, outreach, and translation services.

The city also utilizes the Environmental Justice index data provided by the Center for Disease Control (CDC). This data qualifies the Downtown (Census Tract # 101) as having an overall EJI rank of 0.83, The Union St Neighborhood (Census Tract # 103) as having an overall EJI rank of 0.60, and the New Auburn Area (Census Tract #105) with an overall EJI rank of 0.80. These rankings are primarily impacted due to the CDC Social Vulnerability rank, Toxic Release Inventory Sites (which are driven by high levels of lead paint and High-Volume roadways. Prioritization of lead abatement projects and pedestrian safety improvements within these tracts are related to these observed conditions.

Discussion

Recently compiled GIS heat map data has also highlighted these 3 census tracts containing most of the city's homes at high risk for containing lead paint hazards. Additional outreach, education, and abatement resources will be provided to these designated census tracts and funded through the recently acquired Lead Hazard Control & Healthy Homes grant.

An additional focus of Public Infrastructure funds will be used to provide safer pedestrian amenities and eliminate toxic and blighted buildings within this PLAN.

Affordable Housing

AP-55 Affordable Housing - 91.420, 91.220(g)

Introduction

The Annual Action plan targets providing TBRA resources to homeless or at-risk households in Auburn and Lewiston. Auburn's target for the rehab of rental units outlined within this plan will be accomplished by leveraging the Lead Hazard Control and Healthy Homes grant. These programs require a minimum of a 3-year affordability period for all units. Therefore, as this program impact grows, more affordable units will be monitored by the ACDO staff.

Auburn's plan to develop new, affordable housing units relies on the existing Affordable Housing NOFO. This NOFO was released in March 2023 under the PY22 PLAN. Newly created units funded in part with HOME funds will have an affordability period of 20 years in which rents will be capped at the HIGH HOME Rents as directed by the Community Development Operations Manual and any relevant HUD notices. Currently, MSHA has over 3,700 units under constructed or underwritten state-wide. Of these, 3,280 new units are defined as affordable housing. These numbers are notably higher than the 1,672 units in the MSHA pipeline in PY21. According to MSHA Affordable Housing Options published in March 2023, there are currently 813 Affordable Housing units in Auburn (not including rehab units within their affordability periods). Auburn Housing Authority currently provides an additional 400 Housing Choice Vouchers to Auburn residents. Combined with the most recent CHAS data demonstrating a total of 4,605 rental units within the city, this figure represents over 26.8% of all rental units in Auburn as affordable defined by HUD.

Units funded with CDBG dollars must follow the city's Affordable Rent Standard. The definition of an affordable unit under this plan will be qualified as one that does not exceed HUD-published Fair Market Rents (FMRs) for the current year. A unit is determined to fall within the FMR of a specific area by adding the contracted rent and the applicable utility allowance for the unit. For CDBG-funded projects, the sum of both numbers cannot exceed the FMR of a unit based on bedroom size as published by HUD annually. If the local housing authorities have adopted and been granted a community-wide exception, then the affordable rent standard may increase to no more than 120% of the FMR for the local jurisdiction.

The one-year goals established below represent targets funded through HOME funds only and do not include activities funded by CDBG or other city initiatives.

One Year Goals for the Number of Households to be Supported	
Homeless	5
Non-Homeless	5
Special-Needs	0
Total	10

Table 7 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	10
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	10

Table 8 - One Year Goals for Affordable Housing by Support Type

Discussion

Due in part to the COVID-19 pandemic, inflated construction costs, and lack of contractors, the new-unit developments scheduled in the previous year were not carried out for projects in either city. These plans will be carried over to this current action plan. Additional funding, as provided by the HOME-ARP allocation, will add to the impact of rental assistance services and the related services required to help families struggling with challenges other than the scarcity of affordable units.

The 2022 Environmental Justice Index has flagged all 3 income-qualifying census tracts as having a high prevalence of chronic poverty. Therefore, additional steps will be made within this Action Plan to address a lack of racial equity in affordable housing programming as outlined and referenced in the city's 5-year Comprehensive Plan. This will be achieved by providing more direct outreach to residents within the Union St, Downtown, and New Auburn census tracts. Newly translated materials will aid this outreach. These census tracts are qualified as comprising 51% or more low-to-moderate income households and have the highest concentration of residential units built before 1978. Pre-78 homes have a higher potential for containing Lead-based paint hazards, which cause adverse health effects in children.

AP-60 Public Housing - 91.420, 91.220(h)

Introduction

Auburn and Lewiston have added multiple large affordable housing projects in the past few years. According to statistics maintained by Maine Housing Authority, 243 new affordable housing units have been created with MSHA funding (including Auburn & Lewiston Consortium funds) between 2019 and 2022. These buildings offer modern affordable amenities to public housing residents. Auburn Housing Authority has been transitioning to a voucher-based system allowing more aid to residents using privately owned units.

As referenced above, there are currently 17 housing developments in Auburn that MSHA considers affordable. These developments have 813 units and are either income-based rent or rent-restricted units. Combined with the 400 Housing Choice Vouchers managed in privately owned units in Auburn, this total equates to nearly 26% of the total rental units available within Auburn.

Actions planned during the next year to address the needs to public housing

Auburn Housing Authority is continuing its conversion into a voucher-based system intended to increase capacity. The city has a notable amount of previous year HOME funds to invest in new unit developments, which are creating units with a 20-year affordability period.

The city of Auburn has substantial market rate developments planned and/or permitted for construction within the next year. Some of these projects have faced local opposition at the planning board level. Three projects within the city continue to stir controversy due to isolated neighborhood opposition, but the city is still committed to developing new housing units to help alleviate the identified housing shortage and high rental rates plaguing residents. NIMBYism and discrimination by communities and neighbors, as highlighted in MSHA's Analysis of the Impediments of Fair Housing Choice published in 2019, is not new. Still, the Auburn administration and City Council have continued to demonstrate unified support for the development of new housing units within the city through their actions.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Auburn works with the Auburn Housing Authority, Lewiston Housing Authority, and Community Concepts Finance Corporation to assist in the development of new homeowners through its homeownership program and related Homebuyer Education programs. Auburn has incorporated self-sustainability programs into its programs which provide free financial coaching and educational experiences as provided by a HUD-certified housing or financial management counselor.

If the PHA is designated as troubled, describe the manner in which financial assistance will be

provided or other assistance

Although not designated as troubled, on August 8, 2022, HUD designated the Auburn Housing Authority (AHA) as Substandard based on a substandard Public Housing Assessment System (PHAS) physical score. Additional declines in management and capital funding prompted the City of Auburn Director of Business & Community development to conduct a review of AHA. This review included interviews with AHA staff and reviews of recent Physical Inspection and REAC Reports, remediation plans, current maintenance plans, audits, and organizational documents. The Director also met with the AHA board to present more support for the organization from the city. Currently, the Director is still monitoring the remediation plan and is having regular meetings with AHA senior staff to ensure the necessary improvements are being made.

Discussion

Both Lewiston and Auburn are focusing on supporting resident-owned multi-unit facilities to promote home ownership. The city of Auburn created an online fair housing resource center after COVID-19 forced the cancelation of the traditional joint landlord and tenant summit. This resource center provides opportunities for tenants to access new tools to address tenant topics of interest and other resources that assist tenants in becoming homeowners. This online resource center can be found at https://www.auburnmaine.gov/pages/neighborhood/housing-summit.

AP-65 Homeless and Other Special Needs Activities - 91.420, 91.220(i)

Introduction

The Maine Balance of State Continuum of Care has historically addressed Auburn and Lewiston's homeless needs. Both Cities participate and sponsor the Lewiston-Auburn Alliance for Services to the Homeless (LAASH), a group of local homeless providers who gather monthly to address the gaps in services to the area's homeless population.

Recently, the city of Auburn has integrated two new positions that deal primarily with the homeless population (Project Support You Staff and Housing Resource Coordinator). Additionally, the city of Auburn opened a 48-hour warming shelter for people experiencing homelessness during a dangerously cold weekend in February 2023. Staff continues to work with regional homelessness service providers to develop new programs that serve the population, despite previous failures to garner funding or support to operate a homeless shelter in Auburn. This plan has been developed in partnership with the HUB Coordinator located within Lewiston Housing Authority, whose role is to better assess and coordinate homeless counts and resource development and delivery.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The ACDO has extended its direct outreach services by creating the HOME-ARP-funded Housing Resource Coordinator. This position focuses on outreach and interactions to find and conduct HMIS outreach and Coordinated Entry services. Between December 2022 & February 2023, this position provided direct case management services to over 20 individuals currently experiencing homelessness. Most of these services are provided at encampments or drop-in shelters in Auburn. As this position transitions into a Coordinated Entry service provider, the ACDO expects to increase these numbers to generate a baseline of local homeless populations (and needs) to supplement the MSHA Point-in-Time count.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Auburn-Lewiston Home Consortium includes the entirety of both cities. Much of the data provided at the state level is for Androscoggin County or the Lewiston-Auburn Metropolitan Statistical Area (which includes 12 surrounding municipalities). Both Auburn & Lewiston serve as a regional service HUB for the area, meaning that even though HOME-ARP funds are designated for residents of the two cities, the needs of these cities are impacted by the spillover or centralization of needs from the surrounding rural populations.

For example, data collected from the two emergency shelters operated at the Lewiston Ramada Inn or

the Lewiston Armory in 2020 clearly demonstrate this catch-basin effect. The combined totals of the two emergency shelters (whose numbers are not included in MSHA PIT counts) regularly operated at capacity. Of the 213 individuals sheltered, 60% claimed Lewiston as their residence, 20% claimed Auburn, and the remaining 20% came from outside the consortium's jurisdiction.

Additionally, the city of Auburn has recently taken in 50 additional asylum-seeking families of various origins, while the city of Lewiston's General Assistance has processed over 160 within the current Program year. These needs are being addressed through the city General Assistance office, with wrap-around services and coordination provided by the city Public Health manager. This coordination includes private charities, educational facilities, and local hotel operators.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Auburn has provided for a dedicated Housing Resource Coordinator to provide housing focused case management to Auburn residents. The ACDO is working with two potential subrecipients which specialize in sheltering the chronically homeless. These activities are funded from the consortiums HOME-ARP allocation and activities will continue through PY23.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The General Assistance offices of both cities work proactively to prevent LMI families from becoming homeless. These efforts are not just based on the use of General Assistance funds but also the addition of wrap-around support services rooted in their proactive community roles. Similarly, the Auburn Public Health office continues to work with residential institutions to match needs with readily dwindling community housing and support resources. The Community Development Office is adding a new Community Assistance Coordinator position to assist at-risk households with accessing resources outside of traditional General Assistance and HOME-ARP resources to these at-risk qualified populations.

Additionally, the Maine COC has added a new HUB coordinator located at the Lewiston Housing Authority. This position facilitates communication between service providers within the COC system, allowing the Community Development and Public Health teams to focus on crisis response and early intervention

efforts.

In addition to the current homelessness crisis and the influx of more refugee families into a jurisdiction already coping with a housing shortage is the impending end of the current Emergency Rental Assistance program. This program, locally administered by Community Concepts Inc., has serviced 1,118 non-duplicated households as of March 2022. With the scheduled closure of the Ramada Inn Emergency Homeless shelter and the end of the ERA program funding, preparations for a dramatic in housing needs are being developed.

Discussion

As noted above, Homelessness is not a place-based problem. For many, the lack of adequate, permanent housing is transitory in nature as they seek out new and ever-changing resources to meet their needs. Because of this, responses cannot be relegated to isolated neighborhoods or cities. The data compiled for this Action Plan reiterates the clear fact that this consortium is a catch-basin for homelessness and special needs for the region. To address this, better assessments of causal events and cooperation between regional service providers are needed. A strong relationship with the State's Continuum of Care and the locally placed HUB Coordinator is necessary to quantify needs and coordinate resources more accurately. These efforts will be optimized through a locally focused effort to measure and design systematic responses to the prevailing needs of the community.

The city of Auburn has stepped up to meet these needs by creating three new positions, each focusing on maximizing the utility of various funding sources and addressing specific needs such as substance abuse, homelessness, and family resources to sustain housing.

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

Private development of multi-unit housing projects is on the rise across Auburn. Projects in the permitting process or already under construction are climbing, as the Auburn Planning & Permitting Department reports. One hundred thirty eight new certificate of occupancy have been issued to four new multi-unit developments since 2020. An additional 351 new units in 5 different projects are expected to come into service by the end of 2024. The large and rapid increase in new unit development, coupled with Auburn Housing Authority's conversion to a voucher-based system, will have a notable impact on addressing not just the overall housing shortage but will also make much-needed headway in the alleviation of the shortage of affordable housing.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Auburn has continued its multi-year efforts to implement form-based zoning. This year saw an ambitious rezoning of the city's core residential area, totaling over 1,687 acres. This was conducted under the guidance of the city's Comprehensive Plan, as updated in 2021, and these changes to the land use code would allow for an increase in density to as high as 16 units per acre.

In the February 14th State of the City address, Auburn's Mayor said the city is halfway to his goal of creating 2,000 new housing units by reimagining zoning policies. Mayor Levesque said that Auburn has "passed some of the nation's most meaningful zoning reform packages, designed to empower the individual, right generational wrongs and foster an environment of success," and is now seen as "an example of how to reinvigorate a stagnant community." (**sunjournal.com**/2023/02/13/auburn-mayor-outlines-plan-to-continue-housing-growth-to-head-off-challenges/)

Although successful, he stated, "Inflation is impacting the cost of government, just like it's taking a toll on you and your family. The massive desire for so many people to live in Auburn is, on one hand, exciting. On the other hand, it is causing steep increases in home values and property taxes and a shortage of housing of all kinds."

City administration and elected leaders have not been seeking traditional governmental approaches to solution development. Instead of developing and implementing large-scale multi-unit construction subsidized by multiple layers of tax incentives or state and federal funds, they have promoted more equitable and innovative small-scale methods. These include the approval of Accessory Dwelling Units within city zoning, which creates new housing stock and offers small-scale sustainable rental income for

many more middle- and low-income residents with an extra quarter-acre to spare.

Another HOME Unit Development program launched in February 2023 provides HOME funds to smaller, de-coupled, scatter-sight projects instead of larger affordable housing developments. The recent outcry of local opposition to large multi-unit developments (mostly market rate) has inspired the ACDO to develop new programs which fit within the current zoning and neighborhood characteristics but are also small enough not to trigger local opposition or drawn-out approval processes. Some of these more innovative approaches have recently been highlighted in an article called "The YIMBYest City in America" (linked below), where the Mayor leans into the recent Not-in-my-back-yard exclusionism the city has faced. This same NIMBYism is also highlighted as an on-going concern within Maine State Housing Authority's 2019 Analysis of Impediments to Fair Housing Choice report.

YIMBY article: The YIMBYest City in America - Discourse (discoursemagazine.com)

MSHA Analysis of Impediments to Fair Housing: 2019-analysis-of-impediments.pdf (mainehousing.org)

Discussion

These progressive zoning changes, as well as the proposed projects, have stirred substantial community conversations. Dozens of residents have spoken at multiple public hearings or printed letters to the editor of the local paper, both for and against these types of zoning changes and development proposals. Arguments against these developments call into question the potential negative effects on the "traditionally single-family residence neighborhoods" which would be impacted by these large zoning changes across the city. This type of "Zone Defense" has been reactionary to these proposed developments and speaks to the impediments raised by MSHA in their analysis of Impediments to Fair Housing Choice.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

As referenced above, respondents to the city community survey indicated that the top 3 services the city should provide with entitlement allocations were Homelessness (65%), Senior Services (44%), and Substance Abuse (33%). This input, combined with a dramatic increase in General Assistance requests, has inspired the city of Auburn to create a new Public Service Coordinator position partially funded by the city CDBG public service funds. The remaining funds and time allocation are to be paid for by the city with the primary role of aiding citizens in financial need to find essential resources.

The city of Auburn and the Auburn-Lewiston Consortium have undergone substantial redesign and re-staffing to better meet the prevailing needs of the community. As with any substantial change effort, growing pains within program planning and subrecipient funding expectations are expected, and steps have been taken to prepare for and respond to these concerns. Still, it is essential that the federal funds provided to the city address these ever-changing needs and be spent effectively and with the largest impact per dollar possible.

Actions planned to address obstacles to meeting underserved needs

In a post-COVID world, the resources and needs of the at-risk community changed dramatically. During this time, some types of programming and response systems proved their strength, reliability, and impact.

In addition to the Public Service Coordinator position, the city will continue to work with third-party community service providers with a proven track record of servicing homelessness, substance abuse, and Senior programming to accomplish these goals. Currently, the city of Auburn has a contracted position with Tri-County Mental Health which co-responds to police and rescue calls that involve someone suffering from mental health or substance abuse. Additional contracts will be provided to increase the capacity of homeless shelters and Senior care services.

Additional funding support for summer recreation scholarships will be provided to allow equitable access to experiential opportunities for LMI youth and serve as structured childcare for working parents during the summer months. This compound benefit has proven to provide the broadest demographically available services within the city's historic public service funding. Expanding on the positive, proven Public Services offered directly by the city of Auburn will increase the city's response to the prevailing nutritional and economic needs of its most historically and economically disadvantaged residents and neighborhoods.

Actions planned to foster and maintain affordable housing

Primary activities within this Action Plan involve the development of new residential units offered and made affordable for Low-to-moderate income residents. These funds have been offered through the

Auburn Home Unit Development (AHUD) program. This unique, decoupled development model allows property owners or smaller developers access critical funding needed to create additional affordable units within the jurisdiction. In exchange for funding, the assisted units will be offered to LMI residents at rates that are deemed affordable.

Additional programs will continue to provide access to funding for emergency repairs to residential housing units and tenant-based rental assistance as well as lead testing and abatement funding dedicated to improving the health and safety of homes with young children.

Actions planned to reduce lead-based paint hazards

Both cities currently manage their own grants from the Office of Lead Hazard Control, with which residential units containing children, or being marketed to families with children, can be tested for lead paint hazards. Where hazards are present, funds will be made available in the form of grants to mitigate and abate these lead paint hazards. The separate budget and work plan for the Lead Hazard Control grant established a goal of 110 units abated for lead hazards over the next 3 years. Included within this Action Plan are matching CDBG grants for LMI households to further increase the impact of the Lead Hazard Control grant funds.

Actions planned to reduce the number of poverty-level families

Community Development staff is committed to establishing and maintaining relationships with organizations and institutions which broaden and strengthen the institutional structure. Auburn is increasing its efforts to develop workforce empowerment programming with the local Chamber of Commerce, as well as focusing on and providing educational opportunities for Section 3 businesses. These are businesses owned or staffed primarily by Low-to-moderate income residents. These additional empowerment structures provide opportunities to poverty-level families to increase their experience and earnings and are funded in part through the Lead Hazard Control grant.

The city has also established a relationship with Community Concepts Finance Corporation, a certified HUD homeownership and financial counselor, which will provide free financial education sessions to families enrolled in the homebuyer or rehab programs. Leading with education services better prepares LMI residents to understand and prepare for the financial planning necessary to maintain their assets and improve their own financial situations.

Actions planned to develop institutional structure

The city of Auburn has reorganized its internal structure to better meet the array of prevailing community needs. By integrating the Public Health, General Assistance, and Community Development teams there is present a culture of collaboration and joint response to emergency health, housing, and refugee needs that can only be achieved through the removal of inter-department barriers and the establishment of a unified mission of service and crisis response. As new positions are added, such as the Lead Hazard Control

team and the Housing Coordinator, service gaps within the department are being filled.

The Auburn-Lewiston Consortium is also in a new phase of development where the Community Development and General Assistance offices from each city are working more directly and collaboratively on planning and response initiatives. This is most prevalent around the development and coordination of responses funded under the HOME-ARP plan, where the shared needs and homelessness crises are not easily divisible between the two cities. This inter-city cooperation and data sharing removed duplicative services and increases the efficiency of service delivery and efficacy.

Actions planned to enhance coordination between public and private housing and social service agencies

The Auburn Community Development Department, the Auburn Housing Authority, the Lewiston-Auburn Alliance for Services to the Homeless, the Lewiston Community Development Department, the Lewiston Housing Authority, Community Concepts, Healthy Androscoggin, and other city departments, and local and regional nonprofit organizations coordinate closely in the planning and delivery of housing services. However, there are not enough resources among all the partners to meet the identified needs. Waiting lists for services at the housing authorities are long. By leveraging private developers to construct more affordable units and engage with the Section 8 voucher program, multiple agencies would increase efficiency and ability to better serve the 434 low-to-moderate income residents on the Section 8 waitlist. By engaging with the new HUB Coordinator through a dedicated Housing Intervention Specialist position within the city, these production efforts can be aided with wrap-around services necessary to move residents in need through a better-organized structure with concrete benchmarks and measurable goals.

The Community Development Department has been involved in a local Green and Healthy Homes initiative to better coordinate housing improvements and bring new resources to the community. The City of Auburn has received a Lead Hazard Control Grant with the assistance of Healthy Androscoggin and other service delivery partners within the community. This project entails substantial integration of multiple health agencies, non-profit service providers, and the state Center for Disease Control, which can more efficiently share information, referrals, and response services specifically for children with identified elevated blood-lead levels (EBLLs).

Discussion

The last year has provided substantial and dramatic changes locally, nationally, and internationally. More prevalent today than in the previous 50 years, international conflicts and the crumbling of a globalized consumer economy have created new and unexpected challenges for Auburn and Lewiston residents. Grocery prices and fuel are increasing dramatically. Essential foods are becoming scarce, given manufacturing and resource acquisition breakdowns on the other side of the world. Lumber prices and construction materials are becoming scarce and largely unaffordable to many. Our community is growing with the addition of new and welcomed members who have been driven from other parts of the world due to famine and conflict. Finally, inflation and unemployment/underemployment make housing and

necessary daily resources unattainable for average residents.

The worst part of these new and novel trials and tribulations, which we all have grown accustomed to hearing on the daily news, is that it begins to negatively affect our general worldview and essential optimism, which we all need to grow, develop, and prosper. This is, above all, where we need to focus the majority of our efforts, energies, and collaborations. In the face of all these challenges, the most critical aspect of interdepartmental, institutional, and interpersonal development will be to not lose sight of this key element.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

Introduction

The ACDO is guided by the requirement that at least 75% of allocated funds will be used for activities that benefit persons of low and moderate income. The only program within this Action Plan which do not have an LMI benefit (other than administration funding) would be Spot/Blight remediation. Still, The ACDO has prioritized this non-beneficiary activity within LMI qualified census tracts.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	75.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is

as follows:

Auburn/Lewiston will not utilize other forms of investment beyond those in section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

The Auburn/Lewiston Consortium will use the Recapture method to recover HOME funds from projects that have not met the minimum required affordability periods. The proceeds from the repayment of the HOME Program assistance to the original first-time homebuyer will be utilized to assist other HOME Program-eligible first-time homebuyers in obtaining a home within the geographic area providing the property will be their principal residence.

To ensure that the Auburn Lewiston Consortium recovers all or a portion of the HOME Program funds from a homeowner if the housing is sold, transferred, or foreclosed upon within the minimum federally-required affordability period, the following Recapture provisions will be made an express covenant of the borrower applicable to the loan:

If the mortgaged property is sold, conveyed, assigned, or otherwise transferred or if a senior lender forecloses on any senior mortgage prior to the end of the minimum federally required affordability period as defined by 24 CFR 92.254(a)(4), the Home Program loan assistance must be repaid to the City of Auburn on a net proceeds' basis according to the following mathematical formula:

Net Proceeds = (sales price minus municipal liens minus principal owed to senior lenders minus selling costs);

Homeowner Investment = (down payment plus principal paid on the first mortgage, and any verifiable capital improvement investment made from the date of purchase);

A/L Investment = (HOME Program Loan(s) assistance);

Total Investment = (homeowner investment plus City's investment)

Amount of Net Proceeds to be returned to the City = City's investment x net proceeds

Total Investment

In the event of the resale of a property where there is no direct subsidy to the buyer, the Auburn/Lewiston Consortium employs a Resale Provision to preserve the full term of affordability and ensure the housing is retained for occupancy by low-income families. Specifically, the Resale Provision requires that if the owner sells, conveys, or otherwise transfers his interest in the premises prior to the expiration of the affordability period, such sale, conveyance, or transfer shall only be to

an eligible, low-income purchaser. Other restrictions concerning notice of sale, maximum resale price, and marketing of affordable unit(s) apply and are fully detailed in the Auburn/Lewiston's Resale Provision.

Auburn/Lewiston Consortium will not use the resale draft guidelines without consultation and approval from HUD.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   Homebuyer and Homeowner Rehabilitation projects will be subject to recapture provisions of the HOME Program. The property must be occupied as a principal residence for the minimum period of 5 years if HOME assistance is less than $15,000, 10 years if HOME assistance is between $15,000 and $40,000, and 15 years if HOME assistance is over $40,000. The recapture period shall commence when the building acquisition and/or rehabilitation are complete, and a project completion certification has been issued for rehabilitation.

   Transfer of Title. The City shall collect the net proceeds from the sale of the property up to the outstanding balance of the HOME assistance when the HOME Borrower relinquishes the property voluntarily or due to a foreclosure, bankruptcy, appointment of a receiver or liquidation, or assignment for the benefit of the HOME Borrower's creditors, or a financial hardship resulting in a short sale. In the event that the net proceeds are insufficient to repay the HOME loan(s), the City will then forgive part or all of the HOME loans(s).

   Auburn will not use a Resale provision unless preapproved by HUD.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

   Home funds will not be used to refinance existing debt.

Eligible applicants for Homeowner rehab will be approved on a first-come, first-served basis based on the date of completed applications. Qualified units will be based on their ability to meet Auburn Housing Standards at the completion of the project with the provided resources.

Rental units developed will be completed by a CHDO or developer. When funds are available there will be a standing Notice Of Funding Opportunity. Qualified projects will be accepted and funded on a first-served basis based on the date of completed applications with consideration given to proposed project completion date and other conditions set forth in the notice of funding.

All TBRA programming will be on a first-come, first-served basis based on the date of a completed application. Units will be required to pass HQS inspections and leases approved by program staff to comply with HUD requirements.

Applications can be found on the city website, at the Business & Community Development Office, or by contacting the Community Development team at cdbg@auburnmaine.gov.

Attachments

ORDER 61-05012023

City Council Order

IN CITY COUNCIL

ORDERED, that that City Council hereby adopts the CDBG/HOME Annual Action Plan for Program Year 2023 as recommended by the Business & Community Development Department.

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

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

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

City Council Workshop & Meeting
Agenda
May 15, 2023
Auburn Hall, Council Chambers

City Council Workshop - 6:00 P.M. or immediately following the Auburn – Lewiston Joint Special Meeting

A. Executive Session – Legal consultation, pursuant to 1 M.R.S.A. §405(6)(E).
B. Marketing and Events Fund – Brian Wood

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

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 62-05152023*
Appointing Robert Cavanagh to the Age Friendly Community Committee with a term expiration of 06/01/2026.

2. Order 63-05152023*
Re-appointing Sally Gagne to the Age Friendly Community Committee with a term expiration of 06/01/2026.

3. Order 64-05152023*
Re-appointing Diane Vincent to the Age Friendly Community Committee with a term expiration of 06/01/2026.

4. Order 65-05152023*
Re-appointing Benjamin Weisner to the Age Friendly Community Committee with a term expiration of 06/01/2026.

5. Order 66-05152023*
Appointing Daniel Bilodeau to the Auburn Sewer District Board of Trustees with a term expiration of 03/01/2027.

6. Order 67-05152023*
Appointing Brad Kowalski to the Auburn Sewer District Board of Trustees with a term expiration of 03/01/2026.

7. Order 68-05152023*

Appointing Britny Anderson to the Parks & Recreation Advisory Board with a term expiration of 10/01/2024.

II. Minutes – May 1, 2023, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Recognition and Pinning Ceremony – Auburn Fire Department Promotions
  - Michael Scott promoted to Battalion Chief
  - Erik Poland promoted to Captain.
  - Tyler Arsenault promoted to Lieutenant.
  - Adam Salve promoted to Lieutenant.
- Maine Arbor Week Proclamation
- Recognition – The City of Auburn, recipient of the Maine Spirit of America 2022 Gold Distinction
- Council Communications (about and to the community)

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

V. Unfinished Business

1. Order 58-05012023
Authorizing the City's general obligation bonds in the amount of $13,000,000.00 to finance the City's FY24 Capital Improvement Program. Second reading.
Passage requires an affirmative vote of 5 Councilors at the second reading.

2. Resolve 01-05012023
Adopting the Appropriations Resolve for Fiscal Year 2024. Second reading.
Passage requires an affirmative vote of 4 Councilors at the second reading.

3. Order 60-05012023
Reallocating unspent proceeds from the City's 2020 General Obligation Bonds. Public hearing and second reading.
Passage requires an affirmative vote of 5 Councilors at the second reading.

VI. New Business

4. Order 69-05152023
Adopting the Fiscal Year 2024 School Budget.

5. Order 70-05152023
Approval of a Credit Enhancement Agreement between the City of Auburn and American Development Group, LLC relating to the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District. **Public hearing and vote.**

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

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. Jill Eastman, Finance Director – April Final Finance Report

IX. Executive Sessions

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 15, 2023

Subject: Executive Session

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

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 15, 2023

Author: Brian Wood, Assistant City Manager

Subject: Exploration of Hotel Fee

Information:
To expand economic development and tourism within the City of Auburn the City is exploring the possibility of implementing a dedicated hotel fee to generate dedicated revenue for increased marketing of City events and businesses. This revenue will ensure dedicated staff is available to execute these plans and annual funding is available aside from City resources. This has been explored in other municipalities throughout Maine.

City Budgetary Impacts:
N/A

Staff Recommended Action:
Staff recommends exploring.

Previous Meetings and History:
N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 15, 2023 **Orders:** 62-05152023 and 68-05152023

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on May 8, 2023 to review applications and make their nominations for various boards and committees of the City as follows:

Age Friendly Community Committee - Robert Cavanagh, new appointment, term expiration of 6/1/2026.
Age Friendly Community Committee – Sally Gagnon, re-appointment, term expiration of 6/1/2026.
Age Friendly Community Committee – Diane Vincent, re-appointment, term expiration of 6/1/2026.
Age Friendly Community Committee – Benjamin Weisner, re-appointment, term expiration of 6/1/2026.
Auburn Sewer District Board of Trustees – Daniel Bilodeau, new appointment, term expiration of 3/1/2027
Auburn Sewer District Board of Trustees – Brad Kowalski, new appointment, term expiration of 3/1/2026
Parks & Recreation Advisory Board – Britny Anderson, new appointment, term expiration of 10/1/2024

An application was submitted for the Audit Committee. Per the City Charter, the city council and school committee shall designate, respectively, two councilors and two school committee members who shall mutually select a fifth person to serve as an audit committee. The application was forwarded to members of the audit committee.

An application was also submitted for the Sustainability and Natural Resource Management Board. SNRB members are nominated from the standing working groups, per city ordinance. I've reached out to the Chair of the Conservation working group to advise them of the vacancy.

City Budgetary Impacts: None

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

Previous Meetings and History: The Appointment Committee met on May 8, 2023 to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

May 8, 2023
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Age Friendly Community Committee	2	Cavanagh	Robert	127 Field Avenue
	1	*Gagnon	Sally	19 Gracelawn Road
	--	*Vincent	Diane	Mechanic Falls
	4	*Weisner	Benjamin	83 High Street
Auburn Sewer District Board of Trustees	1	Bilodeau	Daniel	207 N Auburn Road
	1	Kowalski	Brad	41 Hersey Hill Road
Parks & Rec Advisory Board	1	Anderson	Britny	2175 Turner Road
Sustainability & Natural Resource Board (SNRB)	5	*Costlow	Jane	104 Fourth Street

* Indicates this applicant is seeking re-appointment

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

VACANCIES

Age Friendly Committee - 4 vacancies, all with term expirations of 6/1/2026

Auburn Sewer District Board of Trustees - 2 vacancies, one with a term expiration of 3/1/2026, and one with a term expiration of 3/1/2027

Audit Committee - 1 vacancy, term expiration TBD

City Council Student Representative - 2 appointments

Parks & Recreation Advisory Board - 3 vacancies, one with a term expiration 10/01/2023, two with term expirations of 10/01/2024

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

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

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Wednesday, April 12, 2023 6:36 PM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

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

First Name: Sally

Middle Initial: M

Last Name: Gagnon

Residence Address: 19 Gracelawn Rd. Bldg.4 apt. 2 402

Ward: Ward 1

City: Auburn

Home Phone: 207-784-9657

Cell Phone: 207-240-6114

E-mail Address: Sallyg195@aol.com

Current Occupation: retired

Previous Occupation (if retired or no longer working): Teacher Asst. Auburn, Maine

Education and/or experience: 2 yrs. ofCollege

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have served on this committee for two years and want to continue trying to fulfill the needs of the people of Auburn.

What do you hope to accomplish?: I hope to continue to be a part of helping the citizens of Auburn enjoy plenty of appropriate food, shelter and a protective environment for all the family.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: yes age friendly

Dates served (if known): no

How did you learn of this vacancy?: Leroy Walker Councilor ward 5

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

Date of Electronic Signature: April 12, 2023

auburnmaine.gov

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: Apr. 20, 2023

Last name: Cavanagh First name: Robert Middle initial: G

Residence address: 127 Field Ave. Ward: 2

City: Auburn State: ME Zip code: 04210

Home phone: (207) 783-1032 Work phone: None Cell phone: NA

Email address: railtrailbiker@gmail.com

Current occupation: retired

Previous occupation (if retired or no longer working): Teacher; Maine Dept. of Human Services

Educational and/or experience (or attach your resume): 1967 ELHS graduate
University of Maine at Farmington: 1967-1971: BS Degree

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Auburn Housing Authority
___ Board of Assessment Review
___ CDBG Loan Committee
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Planning Board
___ St. Louis Bells Committee
___ Zoning Board of Appeals
___ Airport Board
___ Audit & Procurement Committee
___ Cable TV Advisory Board
___ Community Forest Board
___ Conservation Commission
___ Finance Committee
___ Parks & Recreation Advisory Board
___ Sewer District
___ Water District
✓ Age Friendly Committee

Is this application for a ✓ new appointment or ___ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). As a life-long resident of the City of Auburn, I've always been civic-minded. I attend all the Age Friendly Committee monthly meetings. I volunteer-work at all the Age Friendly luncheons →

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). I plan to continue attending Age Friendly Committee Meetings and continue to actively participate in the Age Friendly activities stated in my 'why I want to serve' narrative.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? _____
Auburn Water District, Auburn Sewer District

Dates served (if known)? March 1, 2006 to March 31, 2027 : Auburn Sewer District
April 27, 2009 to March 31, 2025 : Auburn Water District

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

Registrations Appeals Board

Dates served (if known)? March 25, 2015, to March 31, 2018

How did you learn of this vacancy? Auburn City Clerk's Office

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Robert Cavanagh Date: April 20, 2023

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 4-21-2023
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

Why I want to serve on this committee (continued)

and dinners open to the public. An Age Friendly member and I gave-out Halloween candy at the Age Friendly booth at Little Andy Park on Sun, Oct. 30, 2022. And I helped-out at the Age Friendly clothing give-away at the Auburn Senior Community Center on Saturday, March 25, 2023.

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Sunday, April 30, 2023 7:47 PM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

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

First Name: Benjamin

Middle Initial: J

Last Name: Weisner

Residence Address: 83 High St

Ward: Ward 4

City: Auburn

Home Phone: 12075145453

Cell Phone: 207-514-5453

E-mail Address: benweisner@hotmail.com

Current Occupation: Public Insurance Adjuster

Previous Occupation (if retired or no longer working): Maine DOT

Education and/or experience: BS Criminal Justice

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to be reappointed to continue to serve on this committee to bring ideas and help with the good work they are doing in the community.

What do you hope to accomplish?: By being on this committee I hope to be involved in current events to help support and build new events that help grow its reach in the city.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Not before being appoint to the age- friendly in January.

Dates served (if known): 1-6 to 4-30

How did you learn of this vacancy?: Auburn Website

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

Date of Electronic Signature: 4-30-2023

auburnmaine.gov

CITY OF AUBURN
BOARD & COMMITTEE
APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 5-4-2023

Last name: Vincent First name: Diane Middle initial: J

Residence address: 23 Laurel Street Ward: —

City: Mechanic Falls State: maine Zip code: 04256

Home phone: 207 3459035 Work phone: — Cell phone: 7542652

Email address: DJVmcfalls@Gmail.com

Current occupation: Retired

Previous occupation (if retired or no longer working): Payroll Clerk Knapp Shoe

Educational and/or experience (or attach your resume): _____

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

___ 9-1-1 Committee
___ Auburn Housing Authority
___ Board of Assessment Review
___ CDBG Loan Committee
___ Complete Streets Committee
___ Ethics Panel
___ L/A Transit Committee
___ Planning Board
___ St. Louis Bells Committee
___ Zoning Board of Appeals
___ Airport Board
___ Audit & Procurement Committee
___ Cable TV Advisory Board
___ Community Forest Board
___ Conservation Commission
___ Finance Committee
___ Parks & Recreation Advisory Board
___ Sewer District
___ Water District

✓ Age Friendly

Is this application for a ___ new appointment or ✓ reappointment or ___ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). To help the older people Put on the meals w/Aging Friendly

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). Help people

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

Dates served (if known)? _____

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

Dates served (if known)? _____

How did you learn of this vacancy? Was on Com. LeRay Walker

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Diane Vincent Date: 5-4-2023

Please submit your application to;
Susan Clements-Dallaire, City Clerk
60 Court Street, Auburn, ME 04210
207-333-6601, extension 1126 sdallaire@auburnmaine.gov

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 5-4-23
APPOINTMENT DATE: _____
TERM EXPIRATION DATE: _____
OATH DATE: _____

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, April 18, 2023 1:59 PM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

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

First Name: Daniel

Middle Initial: L

Last Name: Bilodeau

Residence Address: 207 N Auburn Rd

Ward: Ward 1

City: Auburn

Home Phone: 2076502398

Cell Phone: 2076502398

E-mail Address: dan.bilodeau@yahoo.com

Current Occupation: Pilot, Trail volunteer

Previous Occupation (if retired or no longer working):

Education and/or experience: ELHS 1985, BS Aeronautical Science

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): With multiple vacancies I'm hoping to bring years of District experience by having already been a water District Trustee. I have the 3rd week's off when meetings are scheduled and am familiar with the boards agendas.

What do you hope to accomplish?: Bringing years of experience in the sewer industry including joint operations with Lewiston. I would like to explore the cost apportionment policy with the ASD to apply that formula to the AWD to save approximately 14% to Auburn rate payers.

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

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes, Forestry Board, CPUCx2, City flag committee

Dates served (if known): 2006 to present

How did you learn of this vacancy?: City web site and through the District

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

Date of Electronic Signature: April 19, 2023

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, April 18, 2023 3:31 PM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

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

First Name: Brad

Middle Initial:

Last Name: Kowalski

Residence Address: 41 Hersey Hill Rd

Ward: Ward 1

City: Auburn

Home Phone: 2072412664

Cell Phone: 2078903881

E-mail Address: Kowalskiandsoninsurance@gmail.com

Current Occupation: Life insurance producer

Previous Occupation (if retired or no longer working): Contractor/Builder

Education and/or experience: 35 plus years

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): Our family has had our home in Auburn since 09/2107. I currently have been living here since 10/2022 taking care of my elderly parents and will be building on Hersey Hill Rd over the next several months. I am currently a director on the Lake Auburn Watershed Neighborhood Association and would like to be more involved with our community. I worked many years ago just our of high school at the Stony Brook Regional Sewage Authority in Princeton, NJ. It would be nice to be able to become familiar with our systems here in Auburn.

What do you hope to accomplish?: To be more involved and knowledgeable of our cities systems. I have many years in the construction trades and have also installed septic systems since 1998. I enjoy learning and helping create better ideas and systems.

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

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

Dates served (if known): 2022 and currently this calendar year.

How did you learn of this vacancy?: My Neighbor Dan Biladeau.

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

Date of Electronic Signature: 04/18/2023

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Thursday, April 20, 2023 4:04 PM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

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

First Name: Britny

Middle Initial: L

Last Name: Anderson

Residence Address: 2175 turner rd

Ward: Ward 1

City: Auburn

Home Phone: 04210

Cell Phone: 2078600852

E-mail Address: britnylee1@gmail.com

Current Occupation: Certified teacher/ homeschool mom

Previous Occupation (if retired or no longer working):

Education and/or experience: BFA with a maine state teaching cert. Secretary of the East Auburn Community Unit. Production board chair for the Community Little Theater.

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

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

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): My goal with all more other community focused organizations is to provide opportunities for residents to come together and practice being a community, a skill we have been losing for years as a society. I think my management skills and abilities to listen and seek compromise will be an asset to the team.

What do you hope to accomplish?: To ensure all demographics are provided for and to expand the offerings and help build a stronger community by organizing events to bring people together.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: not a municipal one. only private non-profit organizations.

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: not municipally.

Dates served (if known):

How did you learn of this vacancy?: email system from City of Auburn

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

Date of Electronic Signature: 4/20/23

ORDER 62-05152023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Robert Cavanagh to the Age Friendly Community Committee, with a 06/01/2026 term expiration as nominated by the Appointment Committee.

Passage on 2/13/2023, 7-0.

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

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

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

ORDER 63-05152023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Sally Gagnon to the Age Friendly Community Committee, with a 06/01/2026 term expiration as nominated by the Appointment Committee.

Passage on 2/13/2023, 7-0.

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

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

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

ORDER 64-05152023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Diane Vincent to the Age Friendly Community Committee, with a 06/01/2026 term expiration as nominated by the Appointment Committee.

Passage on 2/13/2023, 7-0.

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

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

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

ORDER 65-05152023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Benjamin Weisner to the Age Friendly Community Committee, with a 06/01/2026 term expiration as nominated by the Appointment Committee.

Passage on 2/13/2023, 7-0.

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

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

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

ORDER 66-05152023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Dan Bilodeau to the Auburn Sewer District Board of Trustees, with a 03/01/2027 term expiration as nominated by the Appointment Committee.

Passage on 2/13/2023, 7-0.

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

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

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

ORDER 67-05152023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Brad Kowalski to the Auburn Sewer District Board of Trustees, with a 03/01/2026 term expiration as nominated by the Appointment Committee.

Passage on 2/13/2023, 7-0.

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

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

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

ORDER 68-05152023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Britny Anderson to the Parks and Recreation Advisory Board, with a 10/01/2024 term expiration as nominated by the Appointment Committee.

Passage on 2/13/2023, 7-0.

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

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

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

IN COUNCIL REGULAR MEETING MAY 01, 2023, VOL. 37 PAGE 36

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

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 55-05012023***
Authorizing the City Clerk to waive the $60 Temporary Food Service fee for Phoenix No Limits Karate for a fundraising event to be held on June 11, 2023.

2. **Order 56-05012023***
Authorizing the City Clerk to waive the $60 Temporary Food Service fee for the Auburn Exchange Club for the Lobster Festival Event to be held on May 6, 2023.

3. **Order 57-05012023***
Accepting the transfer of forfeiture assets ($490.00 and a Ruger .380 caliber semi-automatic pistol (Serial #372358035) to Auburn Police Department.

Motion was made by Councilor Walker and seconded by Councilor Hawes for passage of the three consent items.

Passage 5-0.

II. **Minutes** – April 18, 2023, Regular Council Meeting

Motion was made by Councilor Hawes and seconded by Councilor Walker to approve the minutes of the April 18, 2023 Regular Council Meeting.

Passage 5-0.

III. **Communications, Presentations and Recognitions**

Glen Holmes and Amy Hatter introduced the following Community Partners who spoke briefly about their respective organizations:

- Elise Johanson - Safe Voices
- Heather Davis and Patrice Currie - Seniors Plus
- Fatuma Hussein - Immigrant Resource Center of Maine
- Michelle Worthley and Jeff Tardif - Rumford Group Homes
- John Hodge - Housing Resources for Youth
- Sasha Anastasoff – Auburn School Department

- Katherine Saunders – Auburn Adult Education Program
- Jennifer Hogan - Community Credit Union

Council Communications:

Councilor Whiting spoke regarding the Jane's Walk (Lost and Found) which will take place on Saturday May 6th along with Gerry Dennison.

Councilor Hawes thanked the first responders for the work they do and for keeping us safe.

Councilor Milks spoke regarding the potential Gracelawn Development noting that there is going to be public water and the City and Sewer and Water departments are working well together.

Councilor Walker reported on the Age Friendly Group and the potato program that is in place for the public. Potatoes can be picked up at the Senior Center.

City Manager Crowell announced that there is currently an active threat underway. Anyone in that neighborhood received a call regarding the threat (reverse 911 system - code red). We are working with the State police on this matter. He asked that everyone please be patient as we get through this.

Mayor Levesque reminded everyone about the Lobster Festival that is happening this Saturday at 1pm at Festival Plaza. He also noted that the Auburn School Board has a budget meeting on Wednesday. He encouraged people to vote on the school budget at the June 13, 2023 election. In addition to the school budget, there is a bond referendum question to be voted on.

IV. Open Session – Rudy Wing, Penley Corner Road, said it is nice to see work is being done on the ag zone. He has lived on that property in a camper, lost his camper due to a fire and now unable to live on the property.

V. Unfinished Business

1. Ordinance 03-04182023
Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery. Public hearing and second reading.

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

Public hearing – No one From the public spoke.

Passage 5-0. A roll call vote was taken.

2. Ordinance 04-04182023
Amending Chapter 60 of the City Ordinances, Sec. 60-2. Definitions, by adding the

definition of conservation cemetery. Public hearing and second reading.

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

Public hearing – No one from the public spoke.

Passage 5-0. A roll call vote was taken.

VI. New Business

1. Order 58-05012023
Authorizing the City's general obligation bonds in the amount of $13,000,000.00 to finance the City's FY24 Capital Improvement Program. Public hearing and first reading. ***Passage requires an affirmative vote of 5 Councilors at the second reading.***

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

Public hearing – Andy Titus, 24 Rubelite Lane, commended staff and council, adding that his concern is $3,000,000 to rebuild Engine 2. He also asked about $1.1 million dollars of unbonded CIP.

Failed first reading 4-1 (Councilor Gerry opposed). A roll call vote was taken. Passage will require an affirmative vote of 5 at the second reading.

2. Resolve 01-05012023
Adopting the Appropriations Resolve for Fiscal Year 2024. Public hearing and first reading. ***Passage requires an affirmative vote of 4 Councilors at the second reading.***

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

Public hearing – No one from the public spoke.

Motion was made by Councilor Milks and seconded by Councilor Hawes to amend by eliminating the recycling program.

Passage 5-0.

Motion was made by Councilor Gerry and seconded by Councilor Whiting to reappropriate $275,000 from the recycling line item, back into the budget.

Passage 5-0.

Passage of first reading as amended 4-1 (Councilor Gerry opposed). A roll call vote was taken.

3. Resolve 02-05012023
Supporting Congressman Golden's initiative for a federal budget agreement that would begin dealing with the serious problem of ongoing federal deficits.

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

Public comment – No one from the public spoke.

Failed 2-3 (Councilor Milks, Hawes, and Walker opposed).

4. Order 59-05012023
Modifying the Auburn-Lewiston Airport interlocal agreement.

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

Public comment – Mark Blais, Pilot and Airport Board member who also owns property at the airport (hangar). He said he is not sure that he is opposed to the change, but a few things were brought up such as potential conflict of interest. He spoke about a study that was done which was administered by the airport manager which he stated was very biased. Now that Jonathan LaBonté has taken over, the board is a very cohesive group. He doesn't think pilots should be removed from the board at this time.

Tom Ward, Jacksonville Road, said he has been at the airport for about 30 years (Skyward Aviation). He has concerns with just city personnel serving on the board.

Motion was made by Councilor Whiting and seconded by Councilor Gerry to postpone this item until the last meeting in June (June 20th).

Failed 2-3 (Councilor Milks, Hawes, and Walker opposed).

Motion failed 3-2 (Councilor Whiting, and Gerry opposed). Passage requires an affirmative vote of 4.

Motion was made by Councilor Milks and seconded by Councilor Hawes to reconsider that motion.

Passage 4-1 (Councilor Walker opposed).

Motion was made by Councilor Whiting and seconded by Councilor Gerry to postpone the item to second meeting in May (15th).

Passage 5-0.

5. Order 60-05012023
Reallocating unspent proceeds from the City's 2020 General Obligation Bonds. First reading. ***Passage requires an affirmative vote of 5 Councilors at the second reading.***

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

Public comment – Andy Titus, 24 Rubelite Lane wondered why we are spending the unspent bonds on something else instead of applying it to our current CIP.

Passage 5-0. A roll call vote was taken.

6. **Public hearing** – Public hearing to receive comments for Program Year 2023, CDBG & HOME Annual Action Plan.

No one from the public spoke.

7. **Order 61-05012023**
Adopting the CDBG/HOME Program Year 2023 Annual Action Plan.

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

Public comment – No one from the public spoke.

Passage 5-0.

VII. Open Session - Elaine Gammon, 56 Marion Drive, and serves on the LA Arts Board and is looking forward to working with the City of Auburn.

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported on the Legislative Policy Committee and the School Board will be meeting on Wednesday.

IX. Executive Sessions - None

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Hawes to adjourn. Unanimously approved and the meeting adjourned at 8:36 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

PROCLAMATION
MAINE ARBOR WEEK

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and this holiday called Arbor Day was first observed with the planting of a million trees in Nebraska; and

WHEREAS, May 22nd to May 26th, 2023 is Maine Arbor Week; and

WHEREAS, trees can reduce the erosion of our precious topsoil, cut heating and cooling cost, moderate the temperature, clean the air, provide life-giving oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE I, Jason Levesque, Mayor of the City of Auburn, by virtue of the authority vested in me, do hereby proclaim May 22nd to May 26th, 2023 as the celebration of Maine Arbor Week in the City of Auburn, and I urge all citizens to celebrate Maine Arbor Week and support efforts to protect our trees and woodlands.

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have
hereunto set my hand and caused the
Seal of the City of Auburn, Maine

to be fixed this 15th day of May 2023

_____

Jason Levesque, Mayor

Certificate of Recognition

This Certificate is awarded to:

The City of Auburn

For achieving the Maine Spirit of America's esteemed 2022 Gold Distinction

Androscoggin County Commissioners congratulate the City of Auburn
for conscientious actions and admirable efforts aiding volunteerism & thank
The City of Auburn for helping to make this a better county!

Sally A. Christner

Sally Christner, Chair of County Commissioners

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 15, 2023 **Order:** 58-05012023

Author: Jill M. Eastman, Finance Director

Subject: Authorizing Issuance of General Obligation Bonds and A Tax Levy Therefor

---

Information: This is the Annual Capital Improvement Projects for FY 23-24 that we are recommending for bonding. Please see attached sheet that describes the projects being funded.

City Budgetary Impacts: This is a 10-year bond, interest only for FY 24 and principal and interest payments for 10 years.

Staff Recommended Action: Passage of second reading (requires an affirmative vote of 5).

Previous Meetings and History: Discussed at the 4-24-2023 workshop, public hearing and first reading held on 5-1-2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Order

ORDER 58-05012023

City Council Order

IN CITY COUNCIL

ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof, on either a taxable or a tax-exempt basis, in the principal amount not to exceed $13,000,000, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds)(the "Projects"), all constituting part of the City's FY23 Capital Improvement Program:

CAPITAL IMPROVEMENT PLAN
FY 24 BONDS

Description		TOTAL
City Clerk	Record Restoration	$ 50,000
Econ Dev & Planning	Dangerous Building Demolition	$ 300,000
Econ Dev & Planning	Comprehensive Plan Program	$ 160,000
Facilities	PAL Center	$ 1,500,000
Facilities	Public Safety Facility-Engine 2 New Auburn	$ 3,000,000
City Wide Vehicles	Police Vehicle Replacement	$ 175,500
City Wide Vehicles	Public Works Vehicle Replacement	$ 25,000
City Wide Vehicles	Recreation Mini Bus Replacement	$ 80,000
Transportation	Traffic Calming and Pedestrian Safety	$ 100,000
Engineering	Reclamation	$ 1,500,000
Engineering	Reconstruction	$ 1,500,000
Engineering	Major Drainage	$ 500,000
Engineering	MDOT Match	$ 1,500,000
Engineering	Resurfacing	$ 750,000
Engineering	Retaining Walls	$ 250,000
Fire	Apparatus Replacement	$ 60,000
Fire	Excavation Equipment	$ 50,000
IT	Security Camera Project	$ 50,000
Airport	Operations Truck, Self-service fuel dispensing & Roof repair	$ 140,000
LATC	Bus Purchase	$ 50,000

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

Police	**Patrol Rifle Replacement**	**$ 21,000**
Police	**TASER Upgrade**	**$ 169,000**
Public Works	**Replace 12 yard plow trucks (2)**	**$ 601,600**
Public Works	**Replace Front End Loader**	**$ 250,000**
Public Works	**Replace One Ton Truck w/Plow (2)**	**$ 150,000**
Recreation	**Update Basketball Court w/New Logo**	**$ 35,000**
Administration	**Contingency**	**$ 32,900**
TOTAL BOND CIP		**$ 13,000,000**

THAT the Finance Director be and hereby is authorized and empowered, in the name of an on behalf of the City, to prepare, issue, and sell the bonds and notes authorized hereby, at one time, or from time to time, as one or more separate issues, as term bonds or serial bonds or some combination thereof, and to establish, determine and approve the date, form, minimum denomination, interest rates, maturities (with the last maturity not to exceed the maximum term permitted by law), provisions for early redemption, with or without premium, and all other details, terms and provisions of such bonds and notes, not inconsistent herewith, including the form and manner of their sale and award as she may approve, such approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to designate the bond or notes authorized hereby, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265 of the Internal Revenue Code of 1986, as amended.

THAT the bonds and notes authorized hereby shall be signed by the City's Finance Director and its Treasurer, attested by the City Clerk under the seal of the City.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to take all steps necessary and expedient in respect to the aforesaid borrowing, and to prepare, negotiate, execute, and deliver such agreements, investment agreements, bond purchase agreements, preliminary and final official statements, escrow agreements, continuing disclosure agreements, tax compliance agreements, assignments, certificates and other documents (collectively referred to as the "Bond Documents"), as may be necessary or advisable, as determined and approved by the Finance Director, in connection with the issuance delivery of the bonds and notes authorized hereby, which Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, as may be approved by the Finance Director, such approval to be conclusively evidenced by the execution thereof.

THAT if the bonds or notes authorized hereby, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City,

City Council Order

to covenant and certify that no part of the proceeds of such bonds or notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and to further authorize and provide that the City will file any required reports and take any other action that may be necessary to insure that interest on the bonds or notes will remain exempt from federal income taxation, and will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT if the actual cost of any Project differs from the estimated cost, whether due to completion, delay or abandonment of such Project or for any other reason, the Finance Director is authorized and empowered, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the bonds or notes to any other listed Project, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT in order to finance temporarily the Projects described above, the Finance Director be and hereby is authorized and empowered to expend up to $13,000,000 either from available funds of the City or from the proceeds of bond anticipation notes which would be reimbursed or refinanced from bond proceeds.

THAT to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the bonds and notes authorized hereby shall be included in the tax levy each year until the debt represented by said bonds or notes is extinguished.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be and hereby are authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things as may be necessary or advisable to carry out the provisions of this order.

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes authorized hereby shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds, notes or any related Bond Document, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, or on an interim or acting capacity, is authorized and empowered to act for such official with the same force and effect as if such official had himself or herself performed such act.

ORDER 58-05012023

City Council Order

THAT the authority to issue the bonds or notes authorized hereby shall automatically expire 2 years from the date of approval of this Order.

THAT the City may pay certain costs of the Projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before April 14, 2023, in the Sun Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 15, 2023 **Resolve:** 01-05012023

Author: Jill M. Eastman, Finance Director

Subject: Resolve Adopting the 2023-2024 Annual Appropriation and Revenue Resolve (Second Reading)

Information: In accordance with the City Charter, Article 8, Section 8.6, prior to the fiscal year the City Council shall adopt an annual appropriation resolve making appropriations by department, fund, services, strategy or other organizational unit and authorizing an allocation for each program or activity.

The Council has been supplied with a resolve to adopt the annual appropriations for the City of Auburn, which includes final figures for revenue, total appropriation and municipal budget.

The school appropriation has been incorporated into this annual appropriation resolve for the City of Auburn.

This is the second reading of the Appropriation Resolve for FY 23-24.

Manager's Update – at the last school committee meeting, discussion and a vote was made to increase revenue from the fund balance for both school and city. As discussed at previous meetings, the finance director and I are concerned with adding revenue from the fund balance without having our completed FY22 audit.

It is my recommendation that no additional fund balance appropriations be allocated, and the city council make the following amendment: Add $400,000 to the State Revenue Sharing line item. Recent forecasts from the Maine Revenue Office have projected state contributions to Auburn higher than originally projected. The additional projection is still a conservative amount if the economy moves in a different direction than estimated.

The city assessor's office has completed an assessment of all properties and is now working on the personal property assessments. The assessor has provided the following updated valuation target amount. The original property assessment was an increase of $15,000,000. As a result of new growth, the estimated valuation can be changed to a $40,000,000 increase.

With the additional revenue and the new projected assessed value, the new tax levy would increase 2.76% or a $0.20 increase of the mil rate. Again, the new valuation estimate is conservative and may reduce the mill rate increase further. Based on these calculations, a home assessed at $250,000 will have an increase of $51.10 on their tax bill.

City Budgetary Impacts: With this FY 24 Proposed Budget the tax levy increase is 3.79%, which is below CPIU at 6.5% . At this time, the estimated proposed mil rate increase is 3.57%.

Staff Recommended Action: Staff recommends the proposed amendment and ultimate passage.

Previous Meetings and History: Preliminary budget presentation April 3, 2022 and final Manager's Budget presentation April 18, 2023, Budget workshop April 24, 2023. Public hearing and passage of first reading on May 1, 2023.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Resolve for the 2023-2024 Annual Appropriation and Revenue excluding School Department Articles.

RESOLVE 01-05012023

City Council Resolve

IN CITY COUNCIL

RESOLVED, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2023-2024, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2023 and ending June 30, 2024.

The estimated aggregate amount of non-property tax revenue is $61,880,844 with a municipal revenue budget of $22,606,704 and a School Department revenue budget of $39,274,140.

The aggregate appropriation for the City of Auburn is $113,055,192, with a municipal budget of $51,011,866 County budget of $2,972,037 and a School Department budget of $59,071,289 which received School Committee approval on May 3, 2023, and school budget approved at the May 15, 2023 Council Meeting pursuant to the School Budget Validation vote on June 13, 2023, in accordance with Maine Revised Statues, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 18, 2023, by the City Manager, and notification was posted on the City of Auburn website on April 27, 2023 that a public hearing would be held on May 1, 2023 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2023-2024 beginning July 1, 2023 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2023-2024.

SCHOOL BUDGET ARTICLES

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2023-2024

1. That $19,300,554 be authorized to be expended for Regular Instruction;

2. That $ 12,882,836 be authorized to be expended for Special Education;

3. That $-0- be authorized to be expended for Career and Technical Education;

4. That $ 898,147 be authorized to be expended for Other Instruction;

5. That $ 3,806,698 be authorized to be expended for Student and Staff Support;

Richard Whiting, Ward One
Ryan Hawes, Ward Two
Stephen G. Milks, Ward Three
Joseph Morin, Ward Four
Leroy G. Walker, Ward Five
Dana Staples, At Large
Belinda A. Gerry, At Large
Jason J. Levesque, Mayor
Phillip L. Crowell, Jr., City Manager

City Council Resolve

6. That $ 1,200,966 be authorized to be expended for System Administration;

7. That $ 2,413,311 be authorized to be expended for School Administration;

8. That $ 2,178,859 be authorized to be expended for Transportation and Buses;

9. That $ 5,679,257 be authorized to be expended for Facilities Maintenance;

10. That $ 10,329,269 be authorized to be expended for Debt Service and Other Commitments;

11. That $ 39,644 be authorized to be expended for All Other Expenditures;

12. That $ 51,699,304. be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that $15,245,365 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

Explanation: *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding*

Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

13. That $1,187,586 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statues, Title 20-A, Section 15690 (2A);

Explanation: *Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That $3,150,553 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by $3,150,553, as required to fund the budget recommended by the School Committee.

The School Committee recommends $3,150,533, which exceeds the State's Essential Programs and Services allocation model by $3,150,533. The School Committee gives the following reasons for exceeding the State's Essential Programs and Services funding model:

City Council Resolve

The Essential Programs and Services funding model does not recognize all of the costs of special education services, transportation services, instructional services, co-curricular services and other services that the School Department provides.

> ***Explanation:*** *The additional local funds are those locally raised funds over and above the city's local contribution to the total cost of funding public education from Pre- kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for educational programs.*

15. That the school committee be authorized to expend $58,729,542 for the fiscal year beginning July 1, 2022 and ending June 30, 2023 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate $341,747 for Adult Education and raise $213,644 as the local share, with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

17. That in addition to amounts approved in the preceding articles, the School Committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

18. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $125,000 from the School Department's unexpended balances at the end of the 2022-2023 fiscal year to the Edward Little High School Capital Reserve Fund for the purpose of funding capital improvement projects, facility upgrades, and plant maintenance at the new Edward Little High School and adjacent athletic facilities.

19. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $125,000 from the School Department's unexpended balances at the end of the 2022-2023 fiscal year to the School Technology Equipment Reserve Fund for the purpose of funding purchase and maintenance of computers, tablets, audiovisual equipment, and related technology for the School Department.

RESOLVED, The City is authorized to accept grants and forfeitures and to expend sums that may be received from grants and forfeitures for municipal purposes during the fiscal year

City Council Resolve

beginning July 1, 2023, and ending June 30, 2024, provided that such grants and forfeitures do not require the expenditure of other funds not previously appropriated.

RESOLVED, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 15, 2023 and the remaining fifty percent (50%) shall be due on March 15, 2024.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 16, 2023 and March 16, 2024 respectively shall bear interest at a rate of 4% per annum from and after such dates.

Personal property taxes shall be due and payable on or before September 15, 2023. Any personal property taxes remaining unpaid on September 16, 2023, shall bear an interest rate of 4% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 15, 2023 **Order:** 60-05012023

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

Subject: Incentive Funds

Information:
City staff is seeking a change in how previously approved Bond funds can be used to incentivize downtown development. Generally, Bond funds must be expended on improvements that are and remain city-owned for the term of the Bond issue. Nothwithstanding this general requirement, under certain circumstances, and if certain requirements of both State and Federal Tax law are met, Bond funds may be used, either directly (expended by the city) or indirectly (loan / granted to a business), to further economic development activities in the city. While both the direct expenditure and the business loan / grant paths are available to the city, City staff believe that a loan / grant program would make the potential use of available Bond funds significantly more incentivizing to local businesses. Therefore, City staff proposes allowing these available Bond funds to be allocated by the City Manager in the form of a business development forgivable loan / grant to a qualifying business / developer, to be used by the business / developer post-closing on the property. This forgiveable loan / grant program will authorize the City Manager to approve up to Two Hundred Fifty Thousand Dollars ($250,000) in incentive funds per project until all available Bond funds (not to exceed 5% of the total Bond issue) are depleted. To ensure funds remain protected from loss or misuse, the staff is requesting that the City Manager be authorized to provide funds to a qualifying business / developer through a forgivable loan process that will establish both acceptable uses of the funds and clear benchmarks that must be met in order for funds to be disbursed.[1] Upon project completion (issuance of an occupancy permit), the forgivable loan will convert to a grant. Failure to use the funds appropriately or to achieve the benchmarks or to complete the project within a predetermined timeframe will trigger loan repayment over a predetermined period at an interest rate that will cover the costs of managing the collection process. The staff makes this recommendation after significant discussions and negotiations with several developers who want to build substantial projects within the city.

City Budgetary Impacts:

This program will not impact the city's budget as only current approved funds will be used.

Staff Recommended Action:

Public hearing and second reading. Approve Order as presented.

Previous Meetings and History: First reading on 5/1/2023.

---

[1] Per guidance from the City's Bond Counsel, under applicable IRS regulations, the city may not impose any obligation or condition with respect to any grant other than obligtations or conditions designed to ensure that the grant funds are expended for the approved governmental purpose on an acceptable timeline.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
NONE

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a first reading on Monday, May 1, 2023, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing the reallocation of up to $400,000 of unspent proceeds from the City's 2020 General Obligation Bonds to finance a forgivable loan / grant program intended to incentivize private development and investment in the City of Auburn.

The order is available for inspection on the City's website:
a**uburnmaine.gov/pages/government/budget-fy24.**

Following the public hearing and first reading, the City Council expects to conduct a second reading, public hearing and take final action on the order at its May 15, 2023 meeting. Following the public hearing, the City Council will finalize the amount of bond proceeds to be reallocated, which amount may be increased by up to 10%.

Members of the public attend the meeting in person and offer public comment during the meeting. Comments may also be submitted via email sent to: **comments@auburnmaine.gov**. Any submitted comments will be included in the meeting minutes.

The meeting will also be broadcast on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.

ORDER 60-05012023

City Council Order

IN CITY COUNCIL

TITLE: ORDER - Reallocating Unspent Proceeds from the City's 2020 General Obligation Bonds.

WHEREAS, on November 12, 2020, the City of Auburn issued its 2020 General Obligation Bonds in the aggregate principal amount of $8,460,000 (the "2020 Bonds") pursuant to City Council Order No. 67-06012020 (adopted June 15, 2020) (the "2020 Bond Order"), $900,000 of the proceeds of which was authorized to be used to finance economic development activities and described as the Downtown Vision project (referred to as the "Downtown Vision Project"); and

WHEREAS, there remain unspent proceeds of the 2020 Bonds borrowed for the Downtown Vision Project, which excess proceeds the City Council desires to reappropriate and reallocate to be used as part of a loan forgiveness / grant program to promote and support economic development activity and private capital investment in the City (referred to as the "Downtown Investment Incentive Program");

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the City Council makes the following findings and determinations:

- There is an urgent and growing need to promote and support economic development activity and private capital investment in the City of Auburn.

- The City's financial support for qualified development projects through the Downtown Investment Incentive Program would incentivize the creation of significant new development activities in the City.

- Based on the foregoing, the City's promotion of and financial support for qualified projects through the Downtown Investment Incentive Program will generate substantial direct and indirect economic and other public benefits for the City and its residents and constitutes a good and valid public purpose and will contribute to the creation of new employment opportunities and the economic growth and well-being of the inhabitants of the City.

- Any adverse economic effect on or detriment to the City in the promotion of and financial support for qualified projects through the Downtown Investment Incentive Program is outweighed by the public benefit that will follow from the investment in and development of such qualified economic development projects, including but not limited to the creation of new employment opportunities, the economic growth and well-being of the City and the betterment of the health, welfare and safety of its inhabitants.

ORDER 60-05012023

City Council Order

THAT the excess proceeds of the 2020 Bonds, in the amount not to exceed $400,000 be and hereby are appropriated from the amount borrowed as part of the 2020 Bonds (the "Reallocated Bond Proceeds") for the Downtown Vision Project to fund the Downtown Investment Incentive Program.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, establish a loan forgiveness / grant program (the "Loan and Grant Program") to promote and support economic development activity and private capital investment in the City and to allocate Reallocated Bond Proceeds to such economic development activity and private capital investment in and adjacent to the City's downtown as he shall deem suitable and appropriate.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to establish and implement eligibility criteria and performance benchmarks appropriate to the administration of such Loan and Grant Program, which criteria and benchmarks (including the appropriate time schedule) may be established and implemented on a programmatic or a project specific basis, or some combination thereof (the "Project Incentive Requirements").

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to approve up to Two Hundred Fifty Thousand Dollars ($250,000) in incentive funds per project under the Loan and Grant Program, until all available Bond funds (but not to exceed 5% of the issue price of the 2020 Bonds) are depleted, which funds shall be disbursed for a qualifying project initially through a forgivable loan financing structure (a "Forgivable Loan") that will establish the particular Project Incentive Requirements for a qualifying project that must be met in order for funds to be disbursed.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to determine that the particular Project Incentive Requirements for a given Forgivable Loan have been adequately met and that, following such determination, the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to convert the Forgivable Loan to a grant that need not be repaid by the recipient; provided further that if the City Manager determines that the particular Project Incentive Requirements for a given Forgivable Loan have not been adequately met, then such Forgivable Loan shall be repaid to the City under terms and conditions to be established by the City Manager.

THAT the City Manager be and hereby is authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such agreements, certificates, and other documents as may be necessary or advisable to carry out the provisions of this Order.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 60-05012023

City Council Order

A Public Notice describing the repurposing of the unspent proceeds of the 2020 Bonds was published on or before Saturday, April 29, 2023, in the Sun Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on May 15, 2023.

NOTE: Must be approved by roll call vote.

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

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

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

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 15, 2023 **Order:** 69-05152023

Author: Mark Conrad, Business Manager

Subject: 2023-24 Auburn School Department budget

Information: On May 3, 2023, the Auburn School Committee unanimously voted to approve a 2023-2024 operating budget of $59,071,289. The budget represents a 6.0% overall increase from the current year, with a local increase of 3.3% ($632,273). Article 10 – Debt Service is increasing by $2,602,721, or 33.7% as the full cost for the second bond for the new Edward Little High comes due in FY 2024. Excluding this increase in debt service, the operating budget is increasing 1.6%. Despite significant increases in utilities and the operating cost of a new, much larger High School, the overall budget increase is limited by the elimination of 15.5 teaching positions and a program director.

The School Committee also voted unanimously on May 3, 2023 for authorization to appropriate $125,000 into each of two reserve funds - the Edward Little High School Capital Reserve Fund and the School Technology Equipment Reserve Fund - from unexpended year-end balances.

BUDGET NOTE: The approved revenue budget is currently based on an allocation of $2,000,000 from the School Department's uncommitted fund balance. The School Committee also approved increasing the utilization of the uncommitted fund balance, with an offsetting reduction in the local share, up to an additional $200,000, based on a 25% match to the City increasing the utilization of its fund balance in the second reading of the budget.

City Budgetary Impacts: The total local allocation requested for 2023-24 is $19,797,148. Based on current valuation, the mil rate for education for 2023-24 would be $9.11, an increase of $0.29, or an increase of $43.67 on a home valued at $150,000.

Staff Recommended Action: The School Committee and Superintendent recommend that the City Council approve the 2023-24 school budget as presented.

Previous Meetings and History: The School Committee has held many budget meetings and workshops to develop the proposed budget, beginning March 1st. The School Committee encouraged public comment at each budget meeting. A joint meeting to discuss the FY 2024 school budget was held with the City Council in a workshop on March 20, 2023.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Proposed 2023-2024 school budget by article
Proposed 2023-2024 school revenue budget
Order School Budget 2023-2024

Auburn School Department

FY 2024 Budget Process

Budget by Warrant Article (As Approved by the School Committee on May 3, 2023)

Article	Purpose	FY 2023 Approved	FY 2024 Proposed	$ Change	% Change
1	Regular Instruction	$20,492,295	$19,300,554	($1,191,740)	-5.8%
2	Special Education	$12,237,270	$12,882,836	$645,566	5.3%
3	Career and Technical Education	$0	$0	$0	---
4	Other Instruction	$893,936	$898,147	$4,210	0.5%
5	Student and Staff Support	$3,291,349	$3,806,698	$515,349	15.7%
6	System Administration	$1,217,269	$1,200,966	($16,303)	-1.3%
7	School Administration	$2,362,172	$2,413,311	$51,140	2.2%
8	Transportation and Buses	$1,824,534	$2,178,859	$354,326	19.4%
9	Facilities Maintenance	$5,281,608	$5,679,257	$397,649	7.5%
10	Debt Service/Other Commitments	$7,726,548	$10,329,269	$2,602,721	33.7%
11	All Other Expenditures	$40,953	$39,644	($1,308)	-3.2%
	Total - Operating Budget	**$55,367,933**	**$58,729,542**	**$3,361,609**	**6.1%**
	Adult Education	$364,157	$341,747	($22,410)	-6.2%
	Total - All Articles	**$55,732,090**	**$59,071,289**	**$3,339,199**	**6.0%**

Excluding Debt Service & Adult Ed.	**$47,641,385**	**$48,400,273**	**$758,888**	**1.6%**

FY 2024 Budget Process

Auburn School Department

General Fund Revenue Budget (As Approved by the School Committee on May 3, 2023)

Fiscal Year	2020-2021 Actual	2021-2022 Approved	2021-2022 Actual	2022-2023 Approved	2023-2024 Proposed	Variance	Percentage
State/EPS Model							
Subsidy	$25,975,376	$26,785,909	$28,656,518	$28,055,623	$27,580,651	($474,972)	-1.7%
Debt Service-ELHS (Confirmed	$0	$1,554,035	$1,554,035	$6,235,857	$8,385,064	$2,149,207	34.5%
Debt Service-ELHS (Projected)	$0	$0	$0	$0	$183,920	$183,920	---
Debt Service-Park Ave	$579,894	$560,117	$560,117	$534,544	$513,402	($21,141)	-4.0%
Total State	**$26,555,270**	**$28,900,061**	**$30,770,670**	**$34,826,024**	**$36,663,037**	**$1,837,014**	**5.3%**
Local							
Minimum Local 15671-A	$16,272,338	$16,031,338	$16,031,338	$14,867,518	$15,245,365	$377,846	2.5%
Local Only Debt Service	$102,473	$311,789	$311,789	$894,187	$1,187,586	$293,399	32.8%
Additional Local	$1,322,309	$1,486,251	$1,486,251	$3,195,978	$3,150,553	($45,425)	-1.4%
Total Local	**$17,697,120**	**$17,829,378**	**$17,829,378**	**$18,957,683**	**$19,583,504**	**$625,821**	**3.3%**
Other							
State Agency Client	$96,765	$30,000	$58,909	$30,000	$20,000	($10,000)	-33.3%
Spec. Ed. SOS Tuition	$90,728	$0	$0	$0	$0	$0	---
MeCare Reimbursement	$148,939	$100,000	$126,230	$100,000	$100,000	$0	0.0%
Franklin Tuition	$58,249	$46,205	$96,617	$50,000	$60,000	$10,000	20.0%
Rental Properties (RETC)	$58,000	$58,000	$58,000	$58,000	$0	($58,000)	-100.0%
Child Care	$50,000	$50,000	$50,000	$50,000	$50,000	$0	0.0%
CDS-Pre-K	$2,114	$0	$0	$0	$0	$0	---
Gate Receipts	$0	$26,700	$32,557	$24,500	$33,000	$8,500	34.7%
Revenue - Naming Rights	$0	$0	$0	$0	$200,000	$200,000	---
Miscellaneous	$20,434	$20,000	$357,657	$20,000	$20,000	$0	0.0%
Total Other	**$525,229**	**$330,905**	**$779,969**	**$332,500**	**$483,000**	**$150,500**	45.3%
Fund Balance	**$ -**	**$879,404**	**$0**	**$1,251,726**	**$2,000,000**	**$ 748,274**	**59.8%**
Total General Operating	**$44,777,619**	**$47,939,748**	**$49,380,017**	**$55,367,933**	**$58,729,542**	**$3,361,609**	**6.07%**
Adult Education							
State	$95,639	$94,616	$94,617	$94,555	$88,103	($6,452)	-6.8%
Local	$200,141	$213,702	$213,702	$207,192	$213,644	$6,452	3.1%
Other (Tuition)	$8,289	$93,300	$7,800	$62,410	$40,000	($22,410)	-35.9%
Total Adult Education	**$304,069**	**$401,618**	**$316,119**	**$364,157**	**$341,747**	**($22,410)**	**-6.15%**
Grand Total Revenue	**$45,081,688**	**$48,341,366**	**$49,696,136**	**$55,732,090**	**$59,071,289**	**$3,339,199**	**5.99%**

Fiscal Year	2020-2021 Actual	2021-2022 Approved	2021-2022 Actual	2022-2023 Approved	2023-2024 Proposed	Variance	Percentage
Increase in Lcoal Share - Debt Service				$894,187	$1,187,586	$293,399	1.5%
Increase in Local Share - Operations (Including AE)				$18,270,688	$18,609,562	$338,874	1.8%
				$19,164,875	**$19,797,148**	**$632,273**	**3.3%**
City Property Valuation (Current 2023)					2,171,967,423		
Mil Rate For Education (Total)					9.11		
Change on $150K home					0.29		$43.67

ORDER 69-05152023

City Council Order

Ordered that the Auburn City Council hereby adopts and approves the following School Budget articles for Fiscal Year 2023-2024.

1. That $19,300,554 be authorized to be expended for Regular Instruction;

2. That $ 12,882,836 be authorized to be expended for Special Education;

3. That $-0- be authorized to be expended for Career and Technical Education;

4. That $ 898,147 be authorized to be expended for Other Instruction;

5. That $ 3,806,698 be authorized to be expended for Student and Staff Support;

6. That $ 1,200,966 be authorized to be expended for System Administration;

7. That $ 2,413,311 be authorized to be expended for School Administration;

8. That $ 2,178,859 be authorized to be expended for Transportation and Buses;

9. That $ 5,679,257 be authorized to be expended for Facilities Maintenance;

10. That $ 10,329,269 be authorized to be expended for Debt Service and Other Commitments;

11. That $ 39,644 be authorized to be expended for All Other Expenditures;

12. That $ 51,699,304.09 be appropriated for the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and that $15,245,364.83 be raised as the municipality's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688;

Explanation: *The city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding*

Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

13. That $1,187,586 be raised and appropriated for the annual payments on debt service previously approved by the city's legislative body for non-state-funded school construction projects or non-state-funded portions of school construction projects, in addition to the funds appropriated as the local share of the city's contribution to the total cost of funding public education from Pre-kindergarten

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

to grade 12 as described in the Essential Programs and Services Funding Act in accordance with Maine Revised Statues, Title 20-A, Section 15690 (2A);

Explanation: *Non-state-funded debt service is the amount of money needed for the annual payments on the city's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.*

14. That $3,150,553 be raised and appropriated in additional local funds, which exceeds the State's Essential Programs and Services allocation model by $3,150,553, as required to fund the budget recommended by the School Committee.

The School Committee recommends $3,150,553, which exceeds the State's Essential Programs and Services allocation model by $3,150,553. The School Committee gives the following reasons for exceeding the State's Essential Programs and Services funding model:

The Essential Programs and Services funding model does not recognize all of the costs of special education services, transportation services, instructional services, co-curricular services and other services that the School Department provides.

Explanation: *The additional local funds are those locally raised funds over and above the city's local contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the school department budget for educational programs.*

15. That the school committee be authorized to expend $58,729,542 for the fiscal year beginning July 1, 2022 and ending June 30, 2023 from the city's contribution to the total cost of funding public education from Pre-kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, fund balances, state subsidy and other receipts for the support of schools;

16. That the City of Auburn appropriate $341,747 for Adult Education and raise $213,644 as the local share, with authorization to expend any additional, incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

17. That in addition to amounts approved in the preceding articles, the School Committee be authorized to expend such other sums as may be received from federal or state grants or programs or other sources during the fiscal year for school purposes, provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated.

City Council Order

18. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $125,000 from the School Department's unexpended balances at the end of the 2022-2023 fiscal year to the Edward Little High School Capital Reserve Fund for the purpose of funding capital improvement projects, facility upgrades, and plant maintenance at the new Edward Little High School and adjacent athletic facilities.

19. That in addition to amount approved in the preceding articles, the School Committee be authorized to transfer up to $125,000 from the School Department's unexpended balances at the end of the 2022-2023 fiscal year to the School Technology Equipment Reserve Fund for the purpose of funding purchase and maintenance of computers, tablets, audiovisual equipment, and related technology for the School Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: May 15, 2023 Order: 70-05152023

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

Subject: TIF #27 Stable Ridge Credit Enhancement Agreement

Information: On March 20th the City Council approved TIF #27 Stable Ridge Development with a potential Credit Enhancement Agreement (CEA). The execution of any CEA related to TIF #27 is required to be preceeded by a Public Hearing and approval of the City Council before enactment.

The proposed CEA provides a maximum $250,000 credit enhancement to the developer upon completion of Phase 1 of the development with a potential additional $250,000 credit enhancement upon receiving the certificate of occupancy of the 7th building within Phase 2 of the development.

City Budgetary Impacts: As outlined in the proposal.

Staff Recommended Action: Council should consider the financial impacts on future CEA requests on market rate housing developments and determine an amount if any is to be allocated for TIF#27.

Previous Meetings and History:
March 6th, 2023 Public Hearing
March 20th, 2023 Public Hearing and approval of TIF #27 Stable Ridge Development

---

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed Credit Enhancement Agreement

CREDIT ENHANCEMENT AGREEMENT

between

THE CITY OF AUBURN, MAINE

and

AMERICAN DEVELOPMENT GROUP, LLC

DATE: _____, 2023

TABLE OF CONTENTS

ARTICLE I DEFINITIONS 1
Section 1.1. Definitions 1
Section 1.2. Interpretation and Construction 3

ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS 4
Section 2.1. Creation of Development Program Fund 4
Section 2.2. Captured Assessed Value; Deposits into Development Program Fund 4
Section 2.3. Use of Monies in Development Program Fund 5
Section 2.4. Monies Held in Segregated Account 5

ARTICLE III PAYMENT OBLIGATIONS 5
Section 3.1. Developer Payments 5
Section 3.2. Failure to Make Payment 6
Section 3.3. Limited Obligation 6
Section 3.4. Obligations Unconditional 6

ARTICLE IV FURTHER INSTRUMENTS AND BOOKS AND RECORDS 6
Section 4.1. Further Instruments and City Costs 6
Section 4.2. Access to Books and Records 7

ARTICLE V DEFAULTS AND REMEDIES 7
Section 5.1. Events of Default 7
Section 5.2. Remedies on Default 8
Section 5.3. Remedies Cumulative 8

ARTICLE VI EFFECTIVE DATE, TERM AND TERMINATION 8
Section 6.1. Effective Date and Term 8
Section 6.2. Cancellation and Expiration of Term 9

ARTICLE VII ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST 9
Section 7.1. Pledge and/or Assignment 9
Section 7.2. Transfer 9

ARTICLE VIII MISCELLANEOUS 10
Section 8.1. Successors 10
Section 8.2. Parties-in-Interest 10
Section 8.3. Severability 10
Section 8.4. No Personal Liability of Officials of the City 10
Section 8.5. Counterparts 10
Section 8.6. Governing Law 10
Section 8.7. Amendments 11
Section 8.8. Integration 11
Section 8.9. Dispute Resolution 11
Section 8.10. Reserved 11
Section 8.11. Notices 11

EXHIBITS

Exhibit 1 Copy of Exhibit A-2 from Development Program – District Map

THIS CREDIT ENHANCEMENT AGREEMENT dated as of _____, 2023, between the City of Auburn, a municipal corporation located in the City of Auburn, County of Androscoggin and State of Maine, with offices at 60 Court Street, Auburn, Maine 04210 (hereinafter "the City"), and **American Development Group, LLC** (the "Developer"), a Maine limited liability company, with a principal place of business of **8 Belmont Court, Auburn, ME 04210.**

WITNESSETH THAT

WHEREAS, on March 20, 2023, and pursuant to the Act, the City Council of the City at a meeting duly called and held, adopted an order that designated a tax increment financing ("TIF") district: the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District (the "District"); and

WHEREAS, on March 20, 2023, the City of Auburn adopted a development program: the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District Development Program (the "Development Program"); and

WHEREAS, the Commissioner of the State of Maine Department of Economic and Community Development ("DECD") reviewed and approved the District and the Development Program pursuant to an approval letter dated April 24, 2023; and

WHEREAS, within the Development Program, and as contemplated thereby, the City contemplated executing a credit enhancement agreement with the Developer after holding a public hearing and Council approval; and

WHEREAS, the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the credit enhancement agreement contemplated by and described in the Development Program; and

WHEREAS, the City Council held a public hearing and approved this Credit Enhancement Agreement on May 15, 2023; and

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I
DEFINITIONS

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

"Act" means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

"Agreement" shall mean this Credit Enhancement Agreement between the City and Developer dated as of the date set forth above, as such may be amended from time to time.

"Captured Assessed Value" means the amount, stated as a percentage, of the Increased Assessed Value of the Property that is retained in the District in each Tax Year during the term of the District, as specified in Section 2.2 hereof.

"Commissioner" means the Commissioner of the Maine Department of Economic and Community Development.

"Current Assessed Value" means the then-current assessed value of the Property located in the District as determined by the City Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

"Development Program Fund" means the development program fund described in the Financial Plan of the Development Program into which the Tax Increment Revenues are to be deposited, established and maintained pursuant to the Development Program and Article II hereof.

"District" means the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District, designated by the City on March 20, 2023, a map of which is attached as Exhibit A-2 to the Development Program.

"Effective Date" means the date of final approval of the Development Program by the Commissioner pursuant to the Act.

"Financial Plan" means the financial plan described in the "Financial Plan" Section of the Development Program.

"Fiscal Year" means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

"Increased Assessed Value" means, for each Fiscal Year during the term of this Agreement, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in that year.

"Original Assessed Value" means two hundred thirty-five thousand five hundred dollars ($235,500), the assessed value of the Property as of March 31, 2022 (April 1, 2021).

"Project" means the development of 10 buildings with 24 apartments, a garage and recreational storage facility, located on the Property.

"Property" means the 13.19-acre parcel identified on City tax maps as Map 229/Lot 007 as of April 1, 2021, owned by the Developer within the District upon which the Project is located.

"Property Taxes" means any and all *ad valorem* real property taxes levied, charged or assessed against real property located in the District by the City, or on its behalf.

"State" means the State of Maine.

"Tax Increment Revenues" means that portion of all real property taxes assessed and paid to the City in any Tax Year, in excess of any state, or special district tax, upon the Captured Assessed Value.

"Tax Payment Date" means the later of the date(s) on which real property taxes levied by the City are due and payable from owners of property located within the City, or are actually paid to the City with respect to taxable property located within the District.

"Tax Year" shall have the meaning given such term in 30-A M.R.S. § 5222(18), as amended, to wit: April 1 to March 31.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before, the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

(e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II
DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Development Program Fund.

The City hereby confirms the creation and establishment of a segregated fund in the name of the City designated as the "Development Program Fund" pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S. § 5227(3). The Development Program Fund shall be used to fund payments to Developer. The Development Program Fund consists of two sub-accounts: one for the Developer reimbursement and one for the City programs and projects. Upon each payment in full as due of property taxes by the Developer, the City, based upon the allocations described above, will deposit into the Development Program Fund Developer's sub-account. The Development Program Fund Developer's sub-account is pledged to and charged with the payment of the project costs in the manner provided in 30-A M.R.S. § 5227(3). In each fiscal year, the City will disburse funds from the Development Program Fund sub-account to the Developer within thirty (30) business days following payment of the taxes on all captured assessed value. The City shall make payments into the Development Program Fund in the manner and priority provided in 30-A M.R.S. § 5227(3)(B), and as set forth in Section 3.1(b) below.

Section 2.2. Captured Assessed Value; Deposits into Development Program Fund.

(a) Each year during the term of this Agreement, for ten (10) years, commencing with the July 1, 2023 – June 30, 2024 fiscal year and continuing through and including the July 1, 2032 – June 30, 2033 fiscal year (the "CEA Years"), the City shall retain in the District one hundred percent (100%) of the Increased Assessed Value as Captured Assessed Value.

(b) For each of the CEA Years, the City shall deposit into the Development Program Fund contemporaneously with each payment of Property Taxes during the term of this Agreement an amount equal to one hundred percent (100%) of that portion of the property tax payment constituting Tax Increment Revenues. The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S. § 5227(3)(B). The City shall allocate the Tax Increment Revenues so deposited in the Development Program Fund between the Developer Project Cost Subaccount and the City Project Cost Subaccount as follows: the City shall deposit into the Developer Project Cost Subaccount fifty percent (50%) of the Tax Increment Revenues until the expiration of the CEA Years, or until the reimbursements to the Developer reach a cap of $500,000 (the "Cap"), whichever occurs first. The amounts in the Developer Project Cost Subaccount shall be used and applied solely to fund the payments to the Developer pursuant to the Agreement. The City shall allocate the remaining fifty percent (50%) of Tax Increment Revenues during the CEA Years to the City Project Cost Subaccount. In the event that the Cap is reached prior to the end of the term of this Agreement, the City shall retain rest of the Tax Increment Revenues in the City Project Cost Subaccount for the remainder of the CEA Years.

Section 2.3. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in the Development Program Fund shall in all cases be used and applied to fund fully the City's payment obligations to Developer, as described in Articles II and III hereof.

Section 2.4. Monies Held in Segregated Account.

All monies paid into the Developer Project Cost Subaccount under the provisions hereof and the provisions of the Development Program shall be held by the City for the benefit of the Developer in a segregated account. The City shall never be under any obligation to deposit into the Developer Project Cost Subaccount any funds other than Developer Tax Increment Revenues received by the City from Developer, the City's obligations under this Agreement extending only to funds that are Developer Tax Increment Revenues actually paid by Developer to the City. Interest earnings thereon shall be retained by the City for the City's own use.

ARTICLE III
PAYMENT OBLIGATIONS

Section 3.1. Developer Payments.

(a) The City agrees to pay Developer all amounts then on deposit in the Developer Project Cost Subaccount, on or before thirty (30) days following the Tax Payment Date as follows:

i. Prior to the completed development of seven buildings with occupancy permits, reimbursements continue until the expiration of the CEA Years, or until the reimbursements to the Developer reach a cap of $250,000, whichever occurs first; and

ii. When the Developer has completed development of seven buildings with occupancy permits, the reimbursements continue for the CEA Years or until the reimbursements to the Developer reach a cap of $500,000, whichever occurs first.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real property located in the District remain unpaid due to a bona fide valuation dispute, the City shall be under no obligation to pay Developer's share of the Tax Increment Revenues to Developer. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall, first, be applied to taxes due on account of Original Assessed Value; and second, shall constitute payment of Property Taxes with respect to Increased Assessed Value, to be applied first to payment in full of the applicable Town percent share of the Tax Increment Revenues for the year concerned and deposited into the Town Subaccount in accordance with Article II hereof.

Section 3.2. Failure to Make Payment.

In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Development Program Fund is insufficient to reimburse Developer for the full amount due to Developer under this Agreement, the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid.

Section 3.3. Limited Obligation.

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to Developer hereunder, whether or not actually deposited into Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

Section 3.4. Obligations Unconditional.

Except as otherwise provided in this Agreement or as required by applicable law, the obligations of the City to make the payments described in this Agreement shall be absolute and unconditional, and the City shall not suspend or discontinue any payment hereunder or terminate this Agreement for any cause, irrespective of any defense or any rights of setoff, recoupment or counterclaim it might otherwise have against the Developer, other than by reason of and to the extent provided in a final judgment by a court of competent jurisdiction or by reason of an order of Trustee Process or Attachment. The City hereby acknowledges that the Developer has the right to enforce the contractual obligations of the City under this Agreement and that the governmental immunity of the City does not apply to actions to enforce its contractual obligations; provided however, that nothing herein shall constitute a waiver of the City's tort immunity or any other governmental immunities

ARTICLE IV
FURTHER INSTRUMENTS AND BOOKS AND RECORDS

Section 4.1. Further Instruments and City Costs.

The City shall, upon the reasonable request of Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of

executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by Developer.

Section 4.2. Access to Books and Records.

(a) All non-confidential books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by Developer, its agents and employees.

(b) All non-confidential books, records, lease agreements and documents in the possession of Developer relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by City, its agents and employees.

ARTICLE V
DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an "Event of Default":

(a) Any failure by the City to pay any amounts due to Developer when the same shall become due and payable;

(b) Any failure by the City to make deposits into Development Program Fund as and when due;

(c) Any failure by the City or Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or Developer to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof;

(d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the Developer's affairs shall have been entered against the Developer or the Developer shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Developer or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Developer or the failure by the Developer to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Developer;

(e) If any secured lender of Developer accelerates the indebtedness owed to it;

(f) If any written representation or warranty given to the City by Developer is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent; and

(g) If Developer fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the Developer's secured lenders and/or Developer allows mechanics' liens to encumber the Project for a period of more than sixty (60) days.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.9, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.9 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

ARTICLE VI
EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term.

(a) Notwithstanding any other provision of this Agreement, this Agreement is conditioned upon receipt of the Department's unconditional approval of the City's designation of the District and adoption of the Development Program. Following execution and delivery of this

Agreement, the Agreement shall not be or become binding and enforceable until receipt of such unconditional approval.

(b) From the date of execution and delivery of this Agreement, the Agreement shall remain in full force and effect until the completion of the CEA Years as herein defined, unless even sooner terminated pursuant to any other applicable provision of this Agreement.

Section 6.2. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII
ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Pledge and/or Assignment.

The City hereby acknowledges that Developer may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank or financial institution to Developer for the Project, although no obligation is hereby imposed on Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishing, perfection and protection of its interest herein. Developer shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Transfer

Except as specified in Section 7.1 hereof, Developer shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE VIII
MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the City or Developer, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred. Notwithstanding this Subsection 8.1, unless the City affirmatively approves of such action, which approval shall not be unreasonably withheld so long as the action will not have the effect of markedly changing the use of the Property or the nature of the Project, the City shall have the right to terminate this Agreement upon the dissolution, merger, or consolidation of the Developer, and if it exercises such right shall not be obligated to comply with this Agreement thereafter.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and Developer.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability of Officials of the City.

No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Amendments.

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.8. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.9. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Auburn, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

Section 8.10. Reserved.

Section 8.11. Notices.

All notices, certificates, requests, requisitions or other communications by the City or Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

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

With a copy to:

Philip Saucier, Esq.
Bernstein Shur
100 Middle Street
P.O. Box 9729
Portland, Maine 04104-5029

If to Developer:

American Development Group, LLC
ATTN: Jessica Klimek
8 Belmont Court
Auburn, ME 04210

With a copy to:

[Developer's counsel name and address, if applicable]

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

_____

CITY OF AUBURN

By:_____
Name: Phillip Crowell
Its City Manager Duly Authorized by the City Council on May 15, 2023

WITNESS:

_____

AMERICAN DEVELOPMENT GROUP, LLC

By:_____
Name:
Its:

Exhibit 1: Map of District

ORDER 70-05152023

City Council Order

IN CITY COUNCIL

Approval of Credit Enhancement Agreement with American Development Group, LLC

WHEREAS, the City of Auburn (the "City") designated the **TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District** (the "District") pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, by action of the City Council at a meeting of the City Council held on March 20, 2023 (the "Vote") and pursuant to the same Vote adopted a development program and financial plan for the District (the "Development Program"); and

WHEREAS, the Maine Department of Economic and Community Development approved the District and the Development Program on April 24, 2023; and

WHEREAS, American Development Group, LLC **(**the "Developer") has undertaken the construction of apartments within the District; and

WHEREAS, the Development Program authorized the City Council to approve a credit enhancement agreement with the Developer, following a public hearing, in an amount of up to $500,000 for a maximum of 10 years; and

WHEREAS, the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute such credit enhancement agreement contemplated by and described in the Development Program.

ORDERED AS FOLLOWS:

The City Manager is hereby authorized and directed to enter into the specific credit enhancement agreement with American Development Group, LLC in substantially the form as presented to the City Council and consistent with the procedural requirements that are described in the Development Program.

Approved May 15, 2023, by the City Council, at a meeting duly convened and conducted in Auburn, Maine.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **April 2023 Financial Report**

DATE: **May 15, 2023**

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

The City has completed its tenth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 83.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through April 30, including the school department were $90,481,315, or 84.53%, of the budget. The municipal revenues including property taxes were $64,354,670, or 91.31% of the budget which is less than the same period last year by 3.03%, however, the dollar amount is $2,851,549 more than last year. The accounts listed below are noteworthy.

A. March 15th the second installment for real estate taxes was due. The current year's tax revenue is at 96.63% as compared to 97.14% last year. Courtesy letters were sent out in April for those taxpayers that had not paid their taxes. The lien process will begin in May.

B. State Revenue Sharing continues to outpace expectations and is currently $474,209 more than last year.

C. Excise tax for the month of April is 86.52%. This is an increase from FY 22 of $89,217.

Expenditures

City expenditures through April 2023 are $41,094,937 or 80.09%, of the budget. Noteworthy variances are:

A. The majority of operating departments are either below or right on target for April. The accounts that are over at 10 months are Debt Service, which the largest part of this line item is paid in the fall. General Assistance is currently at 164.48% The intergovernmental agencies get paid either quarterly or one annual payment. The budget is currently below last year's expenditures by 5.33%.

Investments

This section contains an investment schedule as of April 30th. Currently the City's funds are earning an average interest rate of 3.24% compared to last years 0.24%.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of April 2023, March 2023, and June 2022

	April 30 2023	March 31 2023	Increase (Decrease)	UNAUDITED JUNE 30 2022
ASSETS				
CASH	$ 61,742,942	$ 65,083,908	$ (3,340,966)	$ 25,056,314
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	813,943	3,072,657	(2,258,714)	1,461,282
TAXES RECEIVABLE-CURRENT	1,738,132	2,902,946	(1,164,814)	42,636
DELINQUENT TAXES	446,660	453,145	(6,485)	395,714
TAX LIENS	580,911	599,820	(18,909)	1,297,627
NET DUE TO/FROM OTHER FUNDS	(24,116,451)	(25,870,873)	1,754,422	4,391,622
TOTAL ASSETS	**$ 41,206,137**	**$ 46,241,603**	**$ (5,035,466)**	**$ 32,645,195**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ (243,940)	$ 21,731	$ (265,671)	$ (824,510)
PAYROLL LIABILITIES	(1,229,880)	(191,636)	(1,038,244)	2,948,844
ACCRUED PAYROLL	-	-	-	(263,746)
STATE FEES PAYABLE	(112,906)	(126,744)	13,838	(183)
ESCROWED AMOUNTS	(43,565)	(42,041)	(1,524)	(40,426)
DEFERRED REVENUE	(2,613,849)	(3,804,057)	1,190,208	(1,585,602)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (4,244,139)**	**$ (4,142,747)**	**$ (101,392)**	**$ 234,377**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (33,963,182)	$ (39,100,040)	$ 5,136,858	$ (29,880,756)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (36,961,998)**	**$ (42,098,856)**	**$ 5,136,858**	**$ (32,879,572)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (41,206,137)**	**$ (46,241,603)**	**$ 5,035,466**	**$ (32,645,195)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH April 30, 2023 VS April 30, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU APR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU APR 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 52,463,320	$ 50,697,768	96.63%	$ 50,042,450	$ 48,611,259	97.14%	$ 2,086,509
PRIOR YEAR TAX REVENUE	$ -	$ 717,359		$ -	$ 523,015		$ 194,344
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,322,921	74.74%	$ 1,650,000	$ 1,290,048	78.18%	$ 32,873
EXCISE	$ 4,435,000	$ 3,837,029	86.52%	$ 4,425,000	$ 3,747,812	84.70%	$ 89,217
PENALTIES & INTEREST	$ 120,000	$ 63,881	53.23%	$ 120,000	$ 94,556	78.80%	$ (30,675)
TOTAL TAXES	$ 58,788,320	$ 56,638,959	96.34%	$ 56,237,450	$ 54,266,690	96.50%	$ 2,372,269
LICENSES AND PERMITS							
BUSINESS	$ 190,000	$ 247,930	130.49%	$ 166,000	$ 261,833	157.73%	$ (13,903)
NON-BUSINESS	$ 195,250	$ 287,768	147.38%	$ 300,200	$ 395,507	131.75%	$ (107,739)
TOTAL LICENSES	$ 385,250	$ 535,698	139.05%	$ 466,200	$ 657,340	141.00%	$ (121,642)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ 419,744	104.94%	$ 390,000	$ 421,592	108.10%	$ (1,848)
STATE REVENUE SHARING	$ 4,504,100	$ 4,603,571	102.21%	$ 3,150,000	$ 4,129,362	131.09%	$ 474,209
WELFARE REIMBURSEMENT	$ 83,912	$ 79,233	94.42%	$ 90,656	$ 59,663	65.81%	$ 19,570
OTHER STATE AID	$ 32,000	$ 16,791	52.47%	$ 32,000	$ 15,763	49.26%	$ 1,028
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 228,384	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 5,202,012	$ 5,119,339	98.41%	$ 3,891,040	$ 4,626,380	118.90%	$ 492,959
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 361,400	$ 112,273	31.07%	$ 184,400	$ 138,827	75.29%	$ (26,554)
PUBLIC SAFETY	$ 30,800	$ 80,962	262.86%	$ 176,600	$ 136,290	77.17%	$ (55,328)
EMS TRANSPORT	$ 1,350,000	$ 1,294,848	95.91%	$ 1,250,000	$ 1,233,250	98.66%	$ 61,598
TOTAL CHARGE FOR SERVICES	$ 1,742,200	$ 1,488,084	85.41%	$ 1,611,000	$ 1,508,367	93.63%	$ (20,283)
FINES							
PARKING TICKETS & MISC FINES	$ 28,000	$ 20,945	74.80%	$ 41,500	$ 39,730	95.73%	$ (18,785)
MISCELLANEOUS							
INVESTMENT INCOME	$ 30,000	$ 94,990	316.63%	$ 40,000	$ 22,278	55.70%	$ 72,712
RENTS	$ 75,000	$ 12,382	16.51%	$ 125,000	$ 15,819	12.66%	$ (3,437)
UNCLASSIFIED	$ 20,000	$ 146,018	730.09%	$ 20,000	$ 29,178	145.89%	$ 116,840
COMMERCIAL SOLID WASTE FEES	$ -	$ 52,141		$ -	$ 50,005		$ 2,136
SALE OF PROPERTY	$ 100,000	$ 2,438	2.44%	$ 120,000	$ 35,235	29.36%	$ (32,797)
MMWAC HOST FEES	$ 240,000	$ 193,426	80.59%	$ 234,000	$ 193,426	82.66%	$ (0)
TRANSFER IN: TIF	$ 1,140,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 619,000	$ -	0.00%	$ 473,925	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		$ 43,095					
CDBG	$ 588,154	$ -	0.00%	$ 252,799	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ 7,156	35.78%	$ 20,000	$ 15,578	77.89%	$ (8,422)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 475,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,332,154	$ 551,645	12.73%	$ 2,900,724	$ 361,519	12.46%	$ 147,031
TOTAL GENERAL FUND REVENUES	**$ 70,477,936**	**$ 64,354,670**	91.31%	**$ 65,147,914**	**$ 61,460,026**	94.34%	**$ 2,851,549**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 34,826,024	$ 25,701,314	73.80%	$ 28,900,061	$ 22,430,127	77.61%	$ 3,271,187
EDUCATION	$ 489,465	$ 393,786	80.45%	$ 518,821	$ 561,031	108.14%	$ (167,245)
SCHOOL FUND BALANCE CONTRIBUTION	$ 1,251,726	$ 31,545	2.52%	$ 879,404	$ -	0.00%	$ 31,545
TOTAL SCHOOL	$ 36,567,215	$ 26,126,645	71.45%	$ 30,298,286	$ 22,991,158	75.88%	$ 3,135,487
GRAND TOTAL REVENUES	**$ 107,045,151**	**$ 90,481,315**	**84.53%**	**$ 95,446,200**	**$ 84,451,184**	**88.48%**	**$ 5,987,036**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH April 30, 2023 VS April 30, 2022

DEPARTMENT	FY 2023 BUDGET	EXP THRU APR 2023	% OF BUDGET	FY 2022 BUDGET	EXP THRU APR 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 170,500	$ 153,044	89.76%	$ 104,850	$ 101,773	97.07%	$ 51,271
CITY MANAGER	$ 510,978	$ 379,715	74.31%	$ 447,401	$ 399,558	89.31%	$ (19,843)
COMMUNICATIONS & ENGAGEMENT	$ 218,746	$ 139,055	63.57%	$ 911,637	$ 811,995	89.07%	$ (672,940)
CITY CLERK	$ 257,506	$ 212,629	82.57%	$ 237,474	$ 190,205	80.10%	$ 22,424
FINANCIAL SERVICES	$ 1,138,802	$ 934,146	82.03%	$ 810,303	$ 634,852	78.35%	$ 299,294
HUMAN RESOURCES	$ 222,099	$ 175,369	78.96%	$ 220,250	$ 171,702	77.96%	$ 3,667
INFORMATION TECHNOLOGY	$ 827,000	$ 635,111	76.80%		$ -		$ 635,111
TOTAL ADMINISTRATION	$ 3,345,631	$ 2,629,069	78.58%	$ 2,731,915	$ 2,310,085	84.56%	$ 318,984
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 666,629	$ 600,602	90.10%	$ 900,583	$ 677,230	75.20%	$ (76,628)
ECONOMIC DEVELOPMENT	$ 286,598	$ 234,089	81.68%	$ 108,469	$ 95,613	88.15%	$ 138,476
BUSINESS & COMMUNITY DEVELOPMENT	$ 671,411	$ 232,044	34.56%	$ 512,260	$ 230,263	44.95%	$ 1,781
HEALTH & SOCIAL SERVICES	$ 119,875	$ 197,165	164.48%	$ 119,875	$ 80,283	66.97%	$ 116,882
RECREATION & SPORTS TOURISM	$ 762,440	$ 530,546	69.59%	$ 584,056	$ 470,785	80.61%	$ 59,761
PUBLIC LIBRARY	$ 1,084,437	$ 918,190	84.67%	$ 1,052,163	$ 964,483	91.67%	$ (46,293)
TOTAL COMMUNITY SERVICES	$ 3,591,390	$ 2,712,636	75.53%	$ 3,277,406	$ 2,518,657	76.85%	$ 193,979
FISCAL SERVICES							
DEBT SERVICE	$ 8,361,254	$ 8,394,861	100.40%	$ 7,734,169	$ 7,652,856	98.95%	$ 742,005
CAPITAL INVESTMENT & PURCHASING	$ 672,473	$ 493,560	73.39%	$ 677,872	$ 531,853	78.46%	$ (38,293)
WORKERS COMPENSATION	$ 698,000	$ 698,000	100.00%	$ 642,400	$ 642,400	100.00%	$ 55,600
WAGES & BENEFITS	$ 7,876,393	$ 4,924,603	62.52%	$ 7,334,932	$ 5,381,175	73.36%	$ (456,572)
EMERGENCY RESERVE (10108062-670000)	$ 461,230	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,069,350	$ 14,511,024	80.31%	$ 16,850,603	$ 14,208,284	84.32%	$ 302,740
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 5,693,284	$ 4,605,841	80.90%	$ 5,446,588	$ 4,700,890	86.31%	$ (95,049)
POLICE DEPARTMENT	$ 4,945,034	$ 3,881,136	78.49%	$ 4,343,924	$ 3,704,803	85.29%	$ 176,333
TOTAL PUBLIC SAFETY	$ 10,638,318	$ 8,486,977	79.78%	$ 9,790,512	$ 8,405,693	85.86%	$ 81,284
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 5,600,109	$ 4,458,504	79.61%	$ 5,077,370	$ 4,106,975	80.89%	$ 351,529
SOLID WASTE DISPOSAL*	$ 1,320,000	$ 857,551	64.97%	$ 1,089,950	$ 727,901	66.78%	$ 129,650
WATER AND SEWER	$ 792,716	$ 585,902	73.91%	$ 792,716	$ 781,203	98.55%	$ (195,301)
TOTAL PUBLIC WORKS	$ 7,712,825	$ 5,901,957	76.52%	$ 6,960,036	$ 5,616,079	80.69%	$ 285,878
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 205,015	100.01%	$ 177,000	$ 175,932	99.40%	$ 29,083
E911 COMMUNICATION CENTER	$ 1,217,713	$ 946,140	77.70%	$ 1,161,479	$ 1,161,479	100.00%	$ (215,339)
LATC-PUBLIC TRANSIT	$ 431,811	$ 431,811	100.00%	$ 225,000	$ 118,715	52.76%	$ 313,096
LA ARTS	$ 30,000	$ 30,000		$ 10,000	$ 10,000		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ 232,729	89.51%	$ (232,729)
TOTAL INTERGOVERNMENTAL	$ 2,144,524	$ 1,612,966	75.21%	$ 1,833,479	$ 1,698,855	92.66%	$ (85,889)
COUNTY TAX	$ 2,761,220	$ 2,761,220	100.00%	$ 2,611,080	$ 2,611,080	100.00%	$ 150,140
TIF (10108058-580000)	$ 3,049,803	$ 2,479,088	81.29%	$ 3,049,803	$ 2,867,365	94.02%	$ (388,277)
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 51,313,061**	**$ 41,094,937**	**80.09%**	**$ 47,104,834**	**$ 40,236,098**	**85.42%**	**$ 858,839**
EDUCATION DEPARTMENT	$ 55,732,090	$ 35,699,133	64.05%	$ 48,341,366	$ 24,667,380	51.03%	$11,031,753
TOTAL GENERAL FUND EXPENDITURES	**$ 107,045,151**	**$ 76,794,070**	**71.74%**	**$ 95,446,200**	**$ 64,903,478**	**68.00%**	**$11,890,592**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF April 30, 2023

INVESTMENT		FUND	BALANCE April 30, 2023	BALANCE March 31, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 11,179,976.96	$ 11,170,041.94	**0.80%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,054,490.99	$ 1,053,460.33	**0.80%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 18,525,200.97	$ 13,478,584.10	**0.80%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 52,857.22	$ 52,815.77	**0.80%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 341,794.84	$ 341,490.20	**0.80%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 228,625.64	$ 227,831.35	**0.80%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 470,192.39	$ 468,957.49	**0.80%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 997,763.31	$ 835,968.36	**0.80%**
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	$ 15,491.55	$ 15,450.87	**0.80%**
NOMURA 2		ELHS Bond Proceeds	$ 37,688,301.00	$ 41,148,609.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.20%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
GRAND TOTAL			**$ 74,554,694.87**	**$ 72,793,209.41**	**3.24%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2022 - June 30, 2023
Report as of April 30, 2023

	Beginning Balance 4/1/2023	April 2023 New Charges	Payments	Refunds	Adjustments	Write-Offs	Ending Balance 4/30/2023
Bluecross	**$ 13,627.31**	$ 7,179.80	$ (5,716.09)		$ (1,317.60)		**$ 13,773.42**
Intercept	**$ 300.00**	$ 200.00	$ (100.00)				**$ 400.00**
Medicare	**$ 107,899.28**	$ 163,176.00	$ (56,494.90)		$ (84,934.17)		**$ 129,646.21**
Medicaid	**$ 48,058.96**	$ 79,725.80	$ (46,882.89)		$ (35,732.96)		**$ 45,168.91**
Other/Commercial	**$ 84,734.88**	$ 20,033.10	$ (21,504.49)		$ (3,986.71)		**$ 79,276.78**
Patient	**$ 143,140.11**	$ 19,389.80	$ (17,531.31)			$ (17,350.28)	**$ 127,648.32**
Worker's Comp	**$ (4,561.89)**		$ (2,837.26)		$ 127.37		**$ (7,271.78)**
TOTAL	**$ 393,198.65**	**$ 289,704.50**	**$ (151,066.94)**	**$ -**	**$ (125,844.07)**	**$ (17,350.28)**	**$ 388,641.86**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2022 - June 30, 2023
Report as of April 30, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	Totals	% of Total
Bluecross	$ 2,477.35	$ 13,307.40	$ 13,596.80	$ 13,635.40	$ 10,192.40	$ 11,633.60	$ 13,907.00	$ 12,001.00	$ 13,676.80	$ 7,179.80	$ 111,607.55	3.72%
Intercept	$ 100.00	$ -	$ 100.00	$ 200.00	$ 200.00	$ 300.00	$ 200.00	$ 200.00	$ 100.00	$ 200.00	$ 1,600.00	0.05%
Medicare	$ 155,398.20	$ 205,712.40	$ 155,567.20	$ 163,526.80	$ 154,190.50	$ 190,431.40	$ 216,896.50	$ 138,902.80	$ 196,522.60	$ 163,176.00	$ 1,740,324.40	58.02%
Medicaid	$ 61,000.80	$ 82,386.60	$ 63,625.60	$ 50,457.40	$ 68,679.75	$ 51,541.80	$ 65,923.00	$ 49,823.00	$ 77,619.20	$ 79,725.80	$ 650,782.95	21.70%
Other/Commercial	$ 38,520.45	$ 50,549.60	$ 28,756.00	$ 21,232.20	$ 18,577.60	$ 28,491.40	$ 26,074.30	$ 31,940.20	$ 20,282.80	$ 20,033.10	$ 284,457.65	9.48%
Patient	$ 8,120.20	$ 12,558.80	$ 18,008.60	$ 32,205.60	$ 18,078.20	$ 18,295.40	$ 19,672.25	$ 19,312.40	$ 30,303.00	$ 19,389.80	$ 195,944.25	6.53%
Worker's Comp	$ 1,803.40	$ 3,664.60	$ -	$ 827.00	$ 1,805.20	$ 1,720.60	$ 1,974.60	$ -	$ 2,789.00		$ 14,584.40	0.49%
TOTAL	$ 267,420.40	$ 368,179.40	$ 279,654.20	$ 282,084.40	$ 271,723.65	$ 302,414.20	$ 344,647.65	$ 252,179.40	$ 341,293.40	$ 289,704.50	$ 2,999,301.20	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2022 - June 30, 2023
Report as of April 30, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	Totals	% of Total
Bluecross	3	13	14	14	11	12	14	12	14	7	114	3.44%
Intercept	1	0	1	2	2	3	2	2	1	2	16	0.48%
Medicare	170	231	170	180	170	205	237	163	226	173	1925	58.05%
Medicaid	65	88	69	55	77	57	75	55	87	89	717	21.62%
Other/Commercial	43	54	30	23	21	33	32	37	21	25	319	9.62%
Patient	10	13	19	34	20	18	21	22	31	21	209	6.30%
Worker's Comp	2	4		1	2	2	2	0	3		16	0.48%
TOTAL	294	403	303	309	303	330	383	291	383	317	3316	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of April 30, 2023

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1928 Vending	1929 Fire Prevention	1931 Donations	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2010 State Drug Money	2011 PD Capital Reserve	2013 OUI Grant	2014 Speed Grant	2016 Pedestrian Safety
Fund Balance 7/1/22	$ 517,052.67	$ 6,919.98	$ 34,914.39	$ 1,421.68	$ 3,039.35	$ -	$ 4,796.03	$ 169.19	$ 2,808.57	$ 79,868.61	$ (153,799.68)	$ 4,289.65	$ 23,595.00	$ 4,356.29	$ 5,520.52	$ 409.11
Revenues FY23	$ 61,648.39	$ 1,286.95	$ 1,580.61		$ 10,425.00	$ 306.00				$ 200,100.00	$ 101,027.87	$ 13,474.00	$ 11,148.75		$ 3,818.51	$ 1,053.34
Expenditures FY23	$ 159,120.00	$ 950.00	$ 386.10		$ 4,191.72	$ 801.53		$ 382.50		$ 474,666.49	$ 48,660.71	$ 2,839.29	$ 3,157.92		$ 3,414.26	$ 917.14
Fund Balance 4/30/2023	**$ 419,581.06**	**$ 7,256.93**	**$ 36,108.90**	**$ 1,421.68**	**$ 9,272.63**	**$ (495.53)**	**$ 4,796.03**	**$ (213.31)**	**$ 2,808.57**	**$ (194,697.88)**	**$ (101,432.52)**	**$ 14,924.36**	**$ 31,585.83**	**$ 4,356.29**	**$ 5,924.77**	**$ 545.31**

	2018 Nat Opioid Settlement	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2050 Project Lifesaver	2051 Project Canopy
Fund Balance 7/1/22	$ -	$ (8,205.29)	$ 1,069,816.45	$ 30,822.46	$ -	$ 46,171.40	$ 2,560.00	$ 8,281.24	$ 20,536.23	$ 22,850.45	$ (930.00)	$ 92,332.26	$ (1,695.00)	$ -	$ 189.35	$ (9,519.48)
Revenues FY23	$ 211,035.72		$ 770,355.12	$ 119.34	$ 31,165.02	$ 130,306.00		$ 2,288.40		$ 3,360.73	$ 930.00	$ 25,242.80	$ 49,569.53	$ 12,000.00		$ 7,996.88
Expenditures FY23			$ 981,472.85	$ 562.00	$ 694.61	$ 135,288.82		$ 5,975.72		$ 4,593.00	$ 18,743.13	$ 4,887.22	$ 49,569.53	$ 9,786.95		
Fund Balance 4/30/2023	**$ 211,035.72**	**$ (8,205.29)**	**$ 858,698.72**	**$ 30,379.80**	**$ 30,470.41**	**$ 41,188.58**	**$ 2,560.00**	**$ 4,593.92**	**$ 20,536.23**	**$ 21,618.18**	**$ (18,743.13)**	**$ 112,687.84**	**$ (1,695.00)**	**$ 2,213.05**	**$ 189.35**	**$ (1,522.60)**

	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME-PAL	2059 Distracted Driving	2067 Hometown Heros Banners	2068 Northern Borders Grant	2070 Leadercast	2077 CTCI Gramt	2080 Futsol Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation
Fund Balance 7/1/22	$ 21,359.27	$ 170,048.62	$ 4,911.03	$ 898.69	$ 209.00	$ 178,046.71	$ (3,500.00)	$ 1,719.02	$ 25,353.61	$ -	$ 12,716,078.13	$ (1,443.69)	$ 10,000.00	$ 232,365.87
Revenues FY23	$ (122.15)	$ 176,800.84		$ 508.14						$ 5,000.00	$ 298,645.04	$ 13,491.68	$ 82,000.00	$ 398,203.61
Expenditures FY23		$ 37,916.05	$ -	$ 604.26				$ 481.25			$ 1,395,935.48	$ 19,438.53		$ 410,385.23
Fund Balance 4/30/2023	**$ 21,237.12**	**$ 308,933.41**	**$ 4,911.03**	**$ 802.57**	**$ 209.00**	**$ 178,046.71**	**$ (3,500.00)**	**$ 1,237.77**	**$ 25,353.61**	**$ 5,000.00**	**$ 11,618,787.69**	**$ (7,390.54)**	**$ 92,000.00**	**$ 220,184.25**	**$ -

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues
Fund Balance 7/1/22	**$ 78,950.70**	**$ 806,274.01**	**$ 237,684.12**	**$ (519,427.49)**	**$ 455,494.65**	**$ (900,465.25)**	**$ (0.03)**	**$ (2,663.69)**	$ 1,120.91	$ 50,241.31	$ 84,060.95	$ 33,113.81	$ 13,914.35	$ (102,204.06)	$ -	$ 15,400,711.98
Revenues FY23	$ 190,974.78		$ 865,341.00	$ 157,316.00	$ 294,264.43	$ 448,773.33	$ 48,589.45	$ 30,616.50	$ 56,495.08	$ 48,218.63	$ 96,002.45	$ 113,293.40	$ 35,248.40	$ 34,426.44	$ 59,527.65	$ 5,103,853.66
Expenditures FY23	$ 143,231.09	$ -	$ 315,493.84	$ 265,100.00	$ 126,666.72	$ 210,923.46	$ 29,153.68		$ 56,495.08	$ 24,109.32	$ 48,001.22	$ 174,888.68	$ 35,248.40	$ 8,691.46	$ -	$ 5,213,825.24
Fund Balance 4/30/2023	**$ 126,694.39**	**$ 806,274.01**	**$ 787,531.28**	**$ (627,211.49)**	**$ 623,092.36**	**$ (662,615.38)**	**$ 19,435.74**	**$ 27,952.81**	**$ 1,120.91**	**$ 74,350.62**	**$ 132,062.18**	**$ (28,481.47)**	**$ 13,914.35**	**$ (76,469.08)**	**$ 59,527.65**	$ 15,290,740.40

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

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

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of April 30, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of April 30, 2023.

Current Assets:
As of the end of April 2023 the total current assets of Ingersoll Turf Facility were $312,604. This consisted of cash and cash equivalents an increase from March of $7,021.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of April 30, 2023, were $61,779.

Liabilities:
Ingersoll had accounts payable of $1,180 as of April 30, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through April 2023 are $140,711. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through April 2023 were $32,224. These expenses include supplies, and capital purchases all other expenses are budgeted in the Recreation budget.

As of April 2023, Ingersoll has an operating gain of $108,487 compared to $103,848 in March an increase in the gain of $4,639.

As of April 30, 2023, Ingersoll has an increase in net assets of $109,689.

The budget to actual reports for revenue and expenditures, show that the revenue for FY23 compared to FY 22.

Statement of Net Assets
Ingersoll Turf Facility
April 30, 2023
Business-type Activities - Enterprise Fund

		April 30, 2023	March 31, 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 228,218	$ 228,015	$ 203
Interfund receivables/payables		$ 84,386	$ 77,568	6,818
Accounts receivable		-	-	-
	Total current assets	312,604	305,583	7,021
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(748,757)	(748,757)	-
	Total noncurrent assets	61,779	61,779	-
	Total assets	374,383	367,362	7,021
LIABILITIES				
Accounts payable		$ 1,180	$ -	1,180
Interfund payable		$ -	$ -	-
Total liabilities		1,180	-	1,180
NET ASSETS				
Invested in capital assets		$ 61,779	$ 61,779	$ -
Unrestricted		$ 311,424	$ 305,583	$ 5,841
Total net assets		**$ 373,203**	**$ 367,362**	**$ 5,841**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
April 30, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 140,711
Operating expenses:	
Personnel	490
Supplies	17,540
Utilities	58
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	14,136
Other expenses	
Total operating expenses	32,224
Operating gain (loss)	108,487
Nonoperating revenue (expense):	
Interest income	1,202
Interest expense (debt service)	-
Total nonoperating expense	1,202
Gain (Loss) before transfer	109,689
Transfers out	-
Change in net assets	109,689
Total net assets, July 1	263,514
Total net assets, April 30, 2023	**$ 373,203**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through April 30, 2023 compared to April 30, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU APR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU APR 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 5,800		$ 25,000	$ 9,775	39.10%
Batting Cages		$ 14,037		$ 16,000	$ 16,116	100.73%
Programs		$ 31,907		$ 94,000	$ 45,360	48.26%
Rental Income		$ -		$ 138,000	$ 90,362	65.48%
TOTAL CHARGE FOR SERVICES	$ -	$ 51,744		$ 273,000	$ 161,613	59.20%
INTEREST ON INVESTMENTS	$ -	$ 1,202		$ -	$ 445	
GRAND TOTAL REVENUES	**$ -**	**$ 52,946**		**$ 273,000**	**$ 162,058**	**59.36%**

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through April 30, 2023 compared to April 30, 2022

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU APR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU APR 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			$ 133,041	$ 73,019	54.88%	$ (73,019)
Purchased Services		$ 548		$ 15,750	$ 4,846	30.77%	$ (4,298)
Programs		$ 17,539		$ 16,300	$ -	0.00%	$ 17,539
Supplies				$ 2,500	$ 14,903	596.12%	$ (14,903)
Utilities				$ 24,150	$ 17,787	73.65%	$ (17,787)
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 14,136		$ -	$ 5,556		$ 8,580
	$ -	$ 32,223		$ 191,741	$ 116,111	60.56%	$ (83,888)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 32,223**		**$ 191,741**	**$ 116,111**	**60.56%**	**$ (83,888)**

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for April 30, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of April 30, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities, and net assets and shows a comparison to the previous month, in this case, March 31 2023.

Current Assets:
As of the end of April 2023 the total current assets of Norway Savings Bank Arena were ($1,132,500). These consisted of cash and cash equivalents of $281,010, accounts receivable of $135,543, and an interfund payable of $1,549,053.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of April 30, 2023, was $147,691.

Liabilities:
Norway Arena had no accounts payable as of April 30, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through April 2023 are $965,944. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

The operating expenses for Norway Arena through April 2023 were $628,459. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

At the end of April 2023, there was an operating gain of $337,485.

As of April 30, 2023, Norway Arena has an increase in net assets of $337,485.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $86,352 more than in FY22 and expenditures in FY23 are $4,622 more than last year in March.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
April 30, 2023
Business-type Activities - Enterprise Fund

		April 30 2023	March 31 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 281,010	$ 281,010	$ -
Interfund receivables		$ (1,549,053)	$ (1,654,689)	$ 105,636
Prepaid Rent				$ -
Accounts receivable		135,543	131,143	$ 4,400
	Total current assets	(1,132,500)	(1,242,536)	110,036
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		514,999	514,999	-
Land improvements		-	-	-
Less accumulated depreciation		(425,531)	(425,531)	-
	Total noncurrent assets	147,691	147,691	-
	Total assets	(984,809)	(1,094,845)	110,036
LIABILITIES				
Accounts payable		$ 1,309	$ -	$ 1,309
Net OPEB liability		$ 43,810	$ 43,810	$ -
Net pension liability		42,634	42,634	-
Total liabilities		87,753	86,444	1,309
NET ASSETS				
Invested in capital assets		$ 147,691	$ 147,691	$ -
Unrestricted		$ (1,132,500)	$ (1,328,980)	$ 196,480
Total net assets		**$ (984,809)**	**$ (1,181,289)**	**$ 196,480**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
April 30, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 965,944
Operating expenses:	
Personnel	315,328
Supplies	40,315
Utilities	109,801
Repairs and maintenance	47,556
Insurance Premium	33,538
Depreciation	-
Capital expenses	49,596
Other expenses	32,325
Total operating expenses	628,459
Operating gain (loss)	337,485
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	337,485
Transfers out	-
Change in net assets	337,485
Total net assets, July 1	(1,322,294)
Total net assets, April 30, 2023	**$ (984,809)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through April 30, 2023 compared to April 30, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU APR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU APR 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500	$ 12,925	78.33%	$ (12,925)
Skate Rentals	$ 6,000	$ 2,745	45.75%	$ 6,000	$ 425	7.08%	$ 2,320
Pepsi Vending Machines	$ 2,000	$ 2,030	101.50%	$ 2,000	$ 2,000	100.00%	$ 30
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ 1,093	36.43%	$ (1,093)
Vending Food	$ 2,000	$ 1,098	54.90%	$ 2,000	$ 354	17.70%	$ 744
Sponsorships	$ 230,000	$ 168,882	73.43%	$ 185,000	$ 193,750	104.73%	$ (24,868)
Pro Shop	$ 7,000	$ 4,095	58.50%	$ 7,000	$ 5,207	74.39%	$ (1,112)
Programs	$ 20,000		0.00%	$ 20,000	$ 2,370	11.85%	$ (2,370)
Rental Income	$ 702,000	$ 689,579	98.23%	$ 683,500	$ 600,539	87.86%	$ 89,040
Camps/Clinics	$ 50,000	$ 31,010	62.02%	$ 50,000	$ 24,860	49.72%	$ 6,150
Tournaments	$ 50,000	$ 66,505	133.01%	$ 50,000	$ 36,069	72.14%	$ 30,436
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 965,944	88.74%	$ 1,025,000	$ 879,592	85.81%	$ 86,352

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through April 30, 2023 compared to April 30, 2022

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU APR 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU APR 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 315,328	108.32%	$ 339,437	$ 235,053	69.25%	$ 80,275
Purchased Services	$ 136,900	$ 81,094	59.24%	$ 123,928	$ 95,270	76.88%	$ (14,176)
Supplies	$ 76,562	$ 72,640	94.88%	$ 79,000	$ 50,924	64.46%	$ 21,716
Utilities	$ 267,000	$ 109,801	41.12%	$ 250,350	$ 192,590	76.93%	$ (82,789)
Capital Outlay	$ 50,000	$ 49,596	99.19%	$ 42,500	$ -	0.00%	$ 49,596
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 628,459	76.50%	$ 835,215	$ 573,837	68.71%	$ 54,622
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 628,459**	**76.50%**	**$ 835,215**	**$ 573,837**	**68.71%**	**$ 54,622**

City Council Workshop & Meeting
Agenda
June 5, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Airport update – Jonathan LaBonté
B. Tax Increment Financing (TIF) discussion – Glen Holmes
C. Third Place Grant Program proposal – Glen Holmes
D. 186 Main Street easements – Jay Brenchick and Eric Cousens
E. City owned property – Jay Brenchick
F. Marketing/promotion of American Rescue Plan Act (ARPA) Programs – Phil Crowell

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Hawes

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 71-06052023*
Appointing Wardens and Ward Clerks for the June 13, 2023 Election.

2. Order 72-06052023*
Confirming Mayor Levesque's appointment of Councilor Rick Whiting to the Airport Board.

II. Minutes
a. May 15, 2023 Special Joint Meeting (Lewiston and Auburn City Councils)
b. May 15, 2023, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Order 59-05012023
Modifying the Auburn-Lewiston Airport Interlocal Agreement.

VI. New Business

1. **Order 73-06052023**
   Authorizing the City Manager to execute a donation agreement with Sultan Corporation for the donation of 7 Chestnut Street (Auburn Tax Parcel 250-335).

2. **Order 74-06052023**
   Authorizing the City Manager to execute the sale of 188 Chicoine Avenue through Bill Bergeron with Fontaine Family Realty.

3. **Order 75-06052023**
   Authorizing the City Manager to execute the sale of Garfield Road (parcel ID 216-062) through Bill Bergeron with Fontaine Family Realty.

4. **Order 76-06052023**
   Authorizing the City Manager to execute the sale of 126 Goff Street through Bill Bergeron with Fontaine Family Realty.

5. **Order 77-06052023**
   Authorizing the City Manager to execute the sale of 140 Northern Avenue through Bill Bergeron with Fontaine Family Realty.

6. **Order 78-06052023**
   Authorizing the City Manager to execute the sale of Smith Street (parcel ID 198-063) through Bill Bergeron with Fontaine Family Realty.

7. **Order 79-06052023**
   Authorizing the City Manager to execute the sale of South Witham Road (parcel ID 161-009) through Bill Bergeron with Fontaine Family Realty.

8. **Order 80-06052023**
   Authorizing the City Manager to execute the sale of Union Street (parcel ID 240-169) through Bill Bergeron with Fontaine Family Realty.

9. **Order 81-06052023**
   Authorizing the City Manager to execute the sale of 18 Western Prom through Bill Bergeron with Fontaine Family Realty.

10. **Order 82-06052023**
    Authorizing the City Manager to execute the sale of 59 Willard Road through Bill Bergeron with Fontaine Family Realty.

11. **Order 83-06052023**
    Authorizing the City Manager to execute the sale of 192 Winter Street through Bill Bergeron with Fontaine Family Realty.

12. **Order 84-06052023**
    Authorizing the City Manager to execute the sale of 86 Western Avenue through Bill Bergeron with Fontaine Family Realty.

13. Ordinance 05-06052023
Amending Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places). First reading.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Session – Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.
Executive Session – Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Auburn-Lewiston Municipal Airport Update

Information: This will be a brief update on the status of business operations at the airport and to answer questions from the City Council. The attached memo provides background details.

City Budgetary Impacts: N/A

Staff Recommended Action: None

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
June 5, 2023 Council Memo on Airport

City of Auburn, Maine
Transportation Systems Department
Jonathan P. LaBonté, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Auburn-Lewiston Municipal Airport Briefing – June 5, 2023

BACKGROUND

The Auburn Lewiston Airport, located at 80 Airport Drive in Auburn, was developed on land transferred from the United States government to the cities of Auburn and Lewiston. Beginning in 1935, various airport oversight models were put in place.

In 1979, the cities of Auburn and Lewiston adopted an Interlocal Agreement establishing the Auburn-Lewiston Municipal Airport as an independent corporate entity. An Airport Board was created to operate, maintain, and improve the land. The agreement was (is) for an indefinite term (no sunset provision) and requires the cities to provide an operating subsidy of no less than the previous fiscal year's budgeted appropriation and shortfalls at the airport.

Also in 1979, the cities adopted a tax-sharing agreement whereby they jointly financed the extension of Auburn's water and sewer utilities for the newly formed business park situated on airport land. In 1987 and 1997, the cities adopted amendments to the original tax-sharing agreement, including a provision to share excise tax revenues with the airport for the purpose of establishing an infrastructure improvement trust account. The tax-sharing agreement, with its amendments, has a sunset date of October 2029. While often seen as connected to the airport interlocal agreement, the tax-sharing entity agreements stand alone with the only provision of sharing excise tax revenues through 2029.

The interlocal agreement has been amended several times since its inception. Those changes, predominantly in the 1980's, provided additional direction and rights to the airport to include the ability to facilitate economic development and to authorize leases without city council approval. The most recent 2007 amendment added the Lewiston Auburn Economic Growth Council and AVCOG to the Board of Directors as part of the focus on economic development and positioning the airport for pursuit of scheduled commercial air service. The most recent Airport Master Plan (2006) had significant focus on commercial service and the needed capital investments to achieve that goal.

CURRENT STATUS

The airport operates on land deeded to the cities, as sponsors of the airport, by the federal government. As a condition of those deeds and accepting capital funds to improve and maintain the airport, the cities agreed to follow the FAA Grant Assurances. The Grant Assurances provide a framework for the airport to move towards becoming self-sustaining and to ensure competition is fostered among private operators seeking access to airport land and/or facilities.

On rare occasions, the FAA will send a land-use compliance officer to inspect the operation of an airport and its adherence to these Grant Assurances through a land use inspection. The Auburn Lewiston Municipal Airport was selected last year for such an inspection, and it occurred in July. A report from the FAA was submitted to the airport in April 2023 and mandated a Corrective Action Plan (CAP) for issues it identified regarding leases and airport management of agreements. The areas for action included the following:

- To coordinate finalization of release requests for 911 Antenna and State drainage easements.
- To complete an inspection of all hangars with FAA present and provide a report of inspection findings with actions to the FAA upon inspection completion.
- To review the leases with TIM Corp. and Bel Air Condo Association, along with Skyward Aviation's activity fee status, and provide remedies to ensure these leases and activities are in compliance with Grant Assurance 5 - Rights and Powers, the Airport Revenue Policy, and other noted concerns.
- To review all leases and provide the FAA with any further findings or remedies.
- To review Minimum Standards and Rules and regulations with FAA. Provide information as to the status of the documents and their approval by the Board.

The airport now has until late June 2023 to submit the CAP. The plan does not have to resolve all of the identified issues, but rather lay out the framework and timeline to do so. If the airport does not submit, or the FAA does not have confidence that the airport is seeking to address its concerns, access to future federal capital funds would be in jeopardy.

Annually, the cities of Auburn and Lewiston each provide a subsidy to the airport in the amount of $205,000 for a total of $410,000. Several business decisions at the airport over the last 15 years have influenced the current financial management and sustainability challenges to include the airport operating at a deficit in this current fiscal year.

In 2008, the airport and cities partnered with private developers to construct a hangar for the Lufthansa Constellation project. While the hangar was privately owned, the cities, through the airport, backed the financing through a 20-year lease with $249,750 in annual payments. The airport's payments for the hangar lease were equivalent to the sublease amount paid by Lufthansa to the airport. As financial pressure mounted on the project, the airport purchased the hangar from the private developer and the two cities agreed to finance that purchase. The inability of the airport to make the annual payments led to one restructuring of the debt to extend the payback period and reduce annual payments to each city. At present, the airport is obligated to pay $115,000 in total (split 50/50 between the cities).

The eviction of Elite Airways from the airport due to non-payment has not only left the airport without the revenue to meet its loan payments to the cities, but also the legal expenses, transfer of utility costs and unpaid bills, and other added expenses that have deepened the deficit. The airport now has a 25,400 square foot hangar that it must empty, through a sale of abandoned assets, and seek a new tenant for the upcoming year.

Another impactful decision was for the airport to exercise its proprietary rights under Federal Aviation Administration (FAA) regulations to become the Fixed-Base Operator (FBO) after the departure of Twin Cities Air. Rather than seek another private entity to provide aviation services such as fueling, hangar and tie-down management, rental car coordination, or catering, the airport chose to stand these up as government run services. Through fiscal year 2022, the airport expenses for the FBO have exceeded its revenues by $787,000. This amount does not reflect the administrative overhead costs required to manage those services.

Following the identification of many unbudgeted capital and operating expenditures realized in this fiscal year, the current board is navigating an evaluation of expenses incurred year to date. There are also large capital projects, supported by FAA funds, that have yet to be "closed-out" to provide final reimbursement to the airport. The most recent project, the East Ramp reconstruction, had well documented project management challenges, but also had a greater than initially projected local property taxpayer share versus federal/state share. The City of Auburn, through use of its fund balance, loaned the airport funds to make contractor payments for this project because the airport lacked the financial resources in its Land Fund. The city has been slowly paid back as reimbursements have been received from the FAA.

In addition to the status of the capital trust account, required to be established in the excise tax-sharing agreement, the accounting for the Land Fund (capital reserve account) has been an on-going board-level discussion. Following a records review, it has been documented that the airport never established that account and instead used the capital trust funds as general operating funds to subsidize the airport.

During the current fiscal year, the airport conducted an asset sale, without the authorization from the cities as required by the Interlocal Agreement for any asset valued at more than $1,000, and spent that additional $48,668 on other items.

PATH FORWARD

It is clear that the challenges of the past, brought on by both management and governance issues, has eroded the trust of tenants and customers to the airport. Future direction setting and stewardship of this airport is a collective effort of the sponsors, as owners and operators of the airport, and the businesses and their customers engaging in aeronautical activity.

There are a series of steps to move the airport from its current challenges to fulfilling the opportunity it provides to support regional economic growth through the aviation sector. At the core, the mission at the airport needs to be to develop operating conditions conducive to attracting private investment and private aviation services and to establish an airport staffing model that focuses on a core mission of land and facilities management and strategic capital investment. Through all of this, safety of flight is paramount.

The response to the FAA land use inspection is being developed, and initial meetings with specific tenants referenced by name have already occurred. A process to fully document all existing leases has been launched. This process includes reviews of terms, rates, rate adjustments, extensions, assignments, amendments, etc. along with ensuring fully executed files associated with all leases are in place and stored in a digital archive for ongoing monitoring.

It has been discovered that the airport has missed Consumer Price Index (CPI) adjustment windows on some leases, made lease amendments that reduced revenue to the airport, provided access to land without leases, and maintained expenses on the airport that were to be transferred to tenants per lease terms. All in, this lease mismanagement has cost the airport at least $100,000 per year.

Near term, the airport continues to deplete cash reserves as budgeted revenues are not realistic. It will likely need to secure an operating line of credit to continue forward in the transition. The current available cash means that the airport will not be able to make the FY2023 debt service payment ($115,000) to the cities on the hangar. This could be accommodated by adding one year to the repayment schedule (FY2034 to FY2035). We are reviewing capital expenditures funded with operating dollars - to potentially authorize those from the Land Fund - and will be completing a sale of abandoned assets by Elite Airways to assist in closing that gap and repaying any line of credit utilized.

To shift the business model of the airport, an RFP was issued for a private business to step in to support the FBO services. In the next couple of weeks, the FY2024 operational model will become clearer and will be significantly less in total expenditures than FY2023. A reduction in overall personnel at the airport and documentation of workflows and workloads is key to right-sizing the public sector staff during this transition. We are working towards eliminating a redundant financial management system at the airport as well as standing up a work order system to document activities.

A thorough review of the use of the Land Fund and establishing a policy for its use will be a key element to protecting against the current situation reemerging. This would likely be accompanied by a review of the Land Lease Policy to strengthen the airport's intent to lease, rather than sell, land for non-aeronautical use going forward. Land sold generates one-time capital funding for the Land Fund, while land leased provides an on-going revenue stream to support airport operations and capital investment. A future consideration may be to memorialize elements of this into the Interlocal Agreement as further protection.

By early fall, the airport will launch an Airport Master Plan Update process. During that 18–24-month period, all stakeholders in the airport will be engaged in assessing its current use, evaluating opportunities moving into the future, and shaping a five-to-20-year layout for growth. This will allow the airport to have a reality based five-year capital improvement program that leverages federal, state, and local funds. The updated master plan will also identify further areas for non-aeronautical development where the airport can leverage its proximity to freight rail and the interstate to facilitate private investment while generating additional operating income through ground leases. We know the primary project in the current five-year window is the construction of a new hangar, funded through Congressionally Directed Spending appropriations championed by Congressman Jared Golden.

Clarity on financial status, an updated master plan, and a refined capital improvement plan will position the airport to draft and adopt a multi-year business plan that sets key benchmarks for progress that will hold the annual budgeting process to a higher standard of accountability and transparency.

ORDER 59-05012023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby modifies, pursuant to Article XII, the interlocal agreement that established the Auburn-Lewiston Municipal Airport as follows:

ARTICLE III - AIRPORT BOARD ORGANIZATIONAL STRUCTURE

Board of Directors

Section 1. Membership
The Board ~~will~~ shall consist of ~~*nine*~~ *five* members. The Auburn City Manager and the Lewiston City Administrator shall each designate two staff members from their respective cities based on experience in transportation, public works, finance, or economic development~~The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices. A third member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at their first regular meeting. A fourth member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at their first regular meeting. A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the *eight* are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any *five* members, select the seventh member of the Board.~~

The fifth ~~eighth~~ member of the board shall be the Executive Director of ~~an employee representative of~~ the Androscoggin Valley C~~c~~ouncil of G~~g~~overnments or their designee. ~~The ninth member would be a employee representative of the Lewiston Auburn Economic Growth Council. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled. In the event the Executive Directoremployee representative of~~

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

~~the Androscoggin Valley Council of Governments or the Employee representative of the Lewiston-Auburn Economic Growth Council shall die, become incapacitated, resign or is discharged from said offices, their respective agency director vacates the position without naming a representative to serve the AVCOG Board Chair shall appoint a member to the Board and such member shall serve only until the respective offices is are filled.~~

~~The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth or seventh members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.~~

~~By a majority vote of four *five* members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. The decision of the appointing authority shall be binding.~~

Members of the Board will serve without compensation other than the compensation from the entity they represent but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

Section 2. Terms of Office (After Initial Appointments)
Auburn Staff – By virtue of the appointment
Auburn Staff – By virtue of the appointment
Lewiston Staff – By virtue of the appointment
Lewiston Staff – By virtue of the appointment
AVCOG Executive Director - By virtue of the position
~~Lewiston Finance Director - By virtue of the office.~~
~~Auburn City Manager - By virtue of the office.~~
~~Lewiston Councilor - While a Councilor of the City of Lewiston. Auburn Councilor - While a Councilor of the City of Auburn.~~
~~Fifth Member (Auburn Resident) - Three-year term. Sixth Member (Lewiston Resident) - Three-year term.~~
~~Seventh Member (Alternating Resident) - Three-year term.~~
~~Eighth Member (AVCOG) – By virtue of position Ninth Member (LAEGC) By virtue of position~~

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: TIF Informational Presentation

Information:
Each year the Business & Community Development Department presents the City Council with an overview of Tax Increment Financing (TIF) policies and portfolio update.

City Budgetary Impacts: None

Staff Recommended Action: None

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: TIF Slide Show Presentaiton

Tax Increment Financing

Planning Today for a Prosperous Tomorrow

Glen E. Holmes, Director of Business & Community Development

auburnmaine.gov

TIF Basics

Tax Increment Finance (TIF) is a mechanism for capturing the future tax benefits of real estate improvements, in order to incentivize development and pay for the cost of municipal infrastructure and improvements.

Two types: Affordable Housing – Approved by Maine State Housing Authority (MSHA)
Municipal– Approved by Maine Department of Economic & Community Development (DECD)

- Large-scale redevelopment of blighted or under-utilized districts
- Provide Economic Development opportunities and/or Job Creation programs
- Promote Mixed-Use Developments & Incentivize Public-Private Partnerships
- Incentivize Affordable Housing Development
- Funding Brownfield/Blight Remediation and/or Neighborhood Revitalization Efforts
- Long-term financing of infrastructure improvements such as:
  - Public Facilities
  - Utilities
  - Transportation
  - Environmental Remediation

auburnmaine.gov

Key Terms

- **TIF District -** Municipality created geographic area
- **Original Assessed Value** (OAV) -Current taxable value "frozen" before development
- **Increased Assessed Value** (IAV) – New taxes generated by development
- **Captured Assessed Value** (CAV) - % of taxes from IAV that is sheltered
- **Total Tax Shift** - Savings from sheltered CAV over term of TIF
- **TIF District Revenue** (TDR) - Taxes from CAV to fund Development Program
- **Development Program –** Approved plan & budget for TIF District Revenues
- **Credit Enhancement Agreement** (CEA) – Reimbursement of TDR to Developer
- **Omnibus TIF** – Larger scale, Multi-faceted incentives not totally defined at creation

auburnmaine.gov

Policy & Procedures

City TIF Districts are managed by the **Finance Department** and **Business & Community Development Department** and follows a prescriptive policy and application process.

1. Interested businesses and/or developers complete a TIF application Package.
2. Business & Community Development staff review applications and prepare TIF packages.
3. Complete proposals are posted publicly for 10 days prior to a Public Hearing.
4. After Public Hearing, the City Council reviews and may vote to approve TIF District.
5. If the City Council approves the TIF it is sent to the proper state authority for approval.
    - Affordable Housing TIFs are approved by Maine State Housing Authority (MSHA)
    - Municipal TIFs are approved by Maine Department of Economic & Community Development (DECD)
6. If approved, city staff monitors the project for compliance for the term of the TIF.

auburnmaine.gov

Example

TIF #23 Schooner Memory Care – Construct 66 mixed-income assisted living units at 196 Stetson Rd	
Original Assessed Value (OAV)	$327,100
New Investment	$17,000,000
Amount of IAV Captured	58.5%
Captured Assessed Value (CAV)	$4,979,930
Total Projected Revenue	**$1,787,180**

Development Program Budget	
Max CEA = 35% CAV or	$625,511
Admin Cost	$40,600
Road Improvements	$1,203,500
Total Project Expense	**$1,869,611**

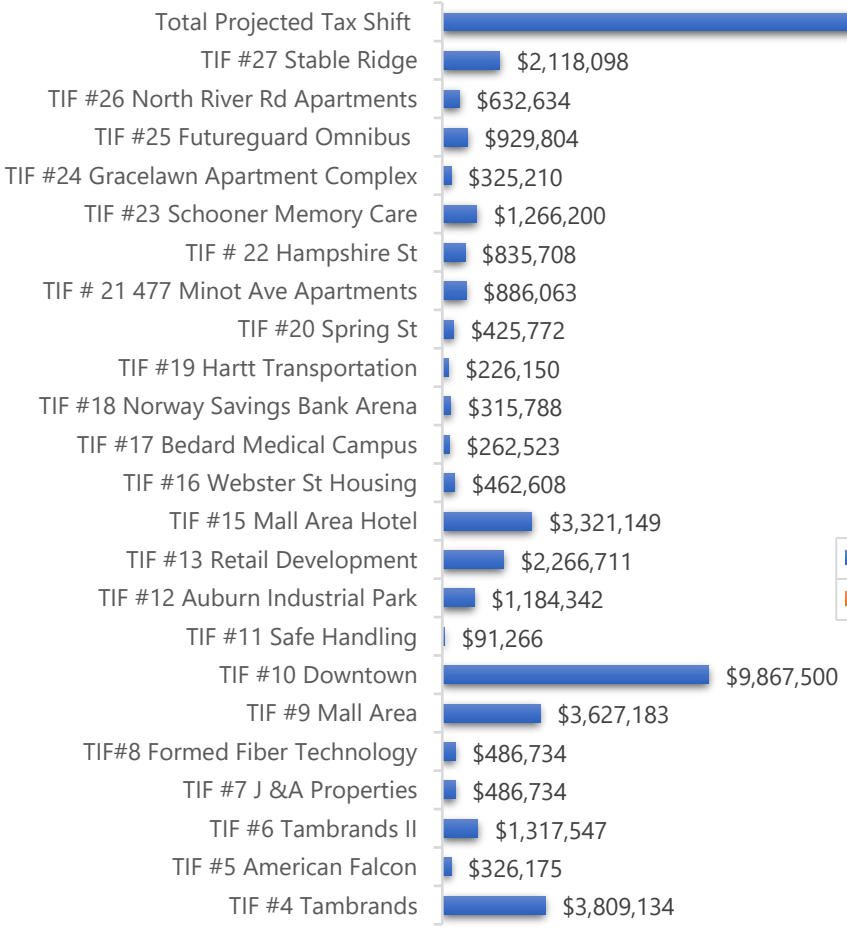
TIF Cashflow to Date	
TIF Age	4 of 20 years
Revenue	$350,355
Admin	$1,733
CEA	$101,872
Debt Service Payments for Road Improvements	$275,232

Community Benefit	
New Assisted living units	66
New FTE jobs created	56

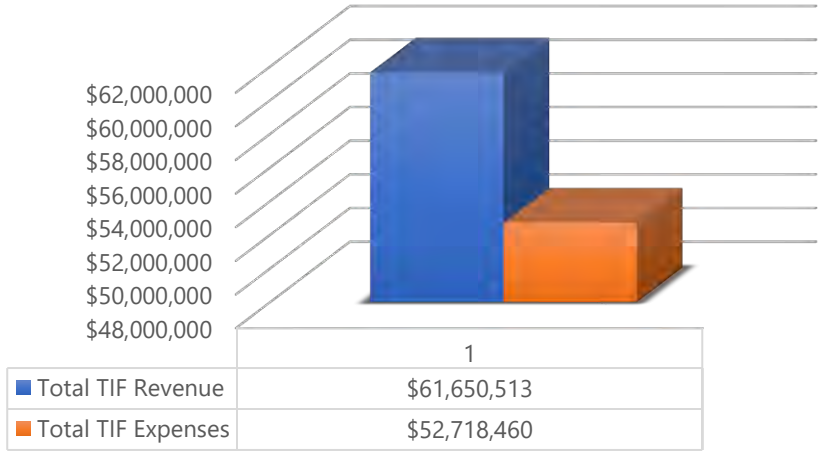
auburnmaine.gov

Current TIF Data

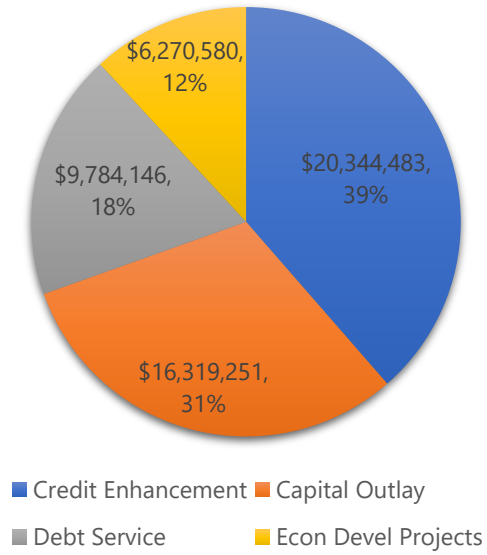
Total Projected Tax Shift



Combined TIF Revenue vs Expenses



TIF Expenses by Category



auburnmaine.gov

Statutory Limitations

The city is must comply with Acreage and Valuation Caps as established by state statute.

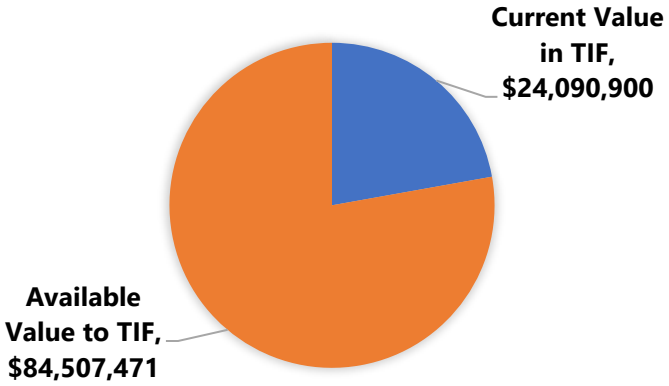
- Each proposed TIF cannot exceed 2% of the total **acreage** of the city.
- The total amount of all current & proposed TIFs cannot exceed 5% of the total **acreage** of the city.
    - Exclusions from this calculation include:
        - Existing/proposed Downtown TIF Districts
        - Transit-Orientated Development TIF Districts
        - Community Wind Power TIF Districts
        - Pinetree Development Zones approved prior to Jan.1, 2009
- Total amount of all current and proposed TIFs cannot exceed 5% of the total **municipal valuation**.
    - Exclusions from this calculation include:
        - Affordable Housing Development Districts
        - Existing/proposed Downtown TIF Districts
        - Transit-Orientated Development TIF Districts
        - Community Wind Power TIF Districts
        - Pinetree Development Zones approved prior to Jan.1, 2009
        - Single Taxpayer/High Valuation TIF Districts

auburnmaine.gov

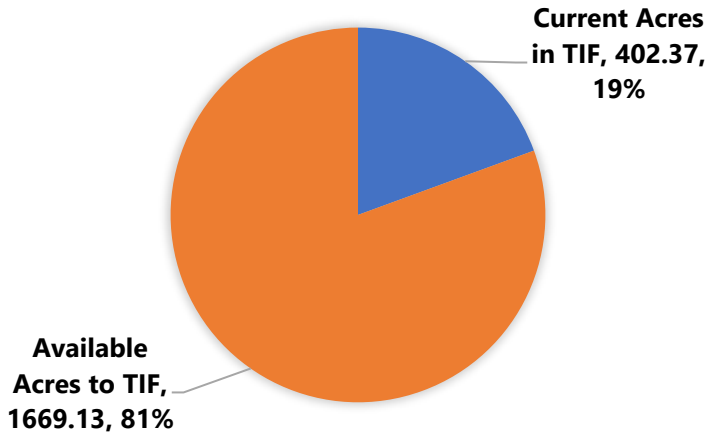
Future TIF Capacity

Based on current active TIF Districts the City of Auburn has the available capacity for new TIFs.
As existing TIFs expire or are modified, or the total valuation of the city increases, these values will change.

TOTAL ORIGINAL ASSESSED VALUE (OAV) ALLOWABLE



TOTAL ACRES ALLOWABLE TO TIF



auburnmaine.gov

Risks and Common Criticism

Common Risks:

- Development projections do not meet budget expectations
  - Potential development/investments do not materialize
  - Assessed value of projects is less than projected
  - Reduced MIL rate lowers TIF revenues
- Developer underperforms or project is under capitalized
- Projects and agreements are not adequately monitored to ensure public benefit
- No community support

Common Criticisms:

- Taxpayers subsidizing private development through credit enhancement agreements
- TIF expenses by-pass public budget process

auburnmaine.gov

Q & A

auburnmaine.gov

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Third Place Grant Program

Information:
The City of Auburn is seeking funds from the American Rescue Plan Act (ARPA) to support the establishment of a Third Place Grant Program to incentivize the creation of new, privately owned locations or privately organized regular events utilizing public space, which are distinct from work and home, where residents can gather. These spaces can have various forms and business models but are characterized by spaces which promote community gathering, developing new relationships, and hosting community building activities and programming.

City Budgetary Impacts:
This program will not impact the Cities Budget as The Office of Business & Community Development is seeking $100,000 in ARPA funds to administer the program.

Staff Recommended Action:
Discussion and feedback.

Previous Meetings and History:
None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
The Third Space Grant Program Overview

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

The Third Space Development Program

Purpose

The purpose of the Third Space Development program (TSDP) is to incentivize the creation of new, privately owned locations or privately organized regular events utilizing public space, which are distinct from work and home, where residents can gather. These spaces can have various forms and business models but are characterized by open spaces which promote community gathering, developing new relationships, and hosting community building activities and programming. These spaces have the intention of creating genuine and lasting relationships between community members by providing equalizing and accessible location to socialize. This initiative aligns with goals established within the city's Comprehensive Plan which aims to "attract and retain a wide range of small and medium size businesses in the Auburn and New Auburn Downtowns that promote and enhance a vibrant urban " (Objective I.1) and which "Maintain Auburn's role as a regional economic center with a diverse economic base and support continued strong economic growth that provides diverse opportunities for appropriate business growth and opportunities" (Goal I.2).

Funding

The City of Auburn may allocate $100,000 from the City ARPA funds for this program to provide funds to qualified applicants. Maximum assistance is $50,000 per operation for approved expenses. Fund requests will provide a detailed budget and explain how this funding will provide a net increase in social interaction and community building. Funds will be made available as a deferred-payment, 12-month loan. If all conditions are met, the funds will be converted to a grant.

Eligibility

New, start-up Auburn based non-profit or business which will be located within the Downtown, New Auburn or Union St census tracts. These include qualified for-profit or non-profit C-corps, S-corps, partnerships, or sole proprietors. The funds may be used to acquire or upgrade facilities, equipment, purchase supplies, or expand labor as necessary to open a new publicly accessible congregate space including but not limited to restaurants, cafes, activity centers, recreation space etc. which are open to the general public.

DRAFT

Post closing conditions will be reviewed 12 months after closing. If all conditions are met the loan will be converted to a grant. Conditions include copy of 2023 tax returns and evidence of on-going operation.

In order to be eligible to receive funds, all property taxes, real and personal, owed on the property that is the subject of the application must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Sources and Uses	Unit Price	Quantity	Budget
City ARPA Funds =			**$102,000**
Total Uses=			**$102,000**
Program Administration (1 year)			$2,000
Forgivable loans	$50,000	*Approx. 2*	$100,000

Application

Applicants will apply through the city Community Development Application portal and will provide all necessary documentation. https://portal.neighborlysoftware.com/auburnme/participant
Select "Community Development Grant". Select "Service Provider Grant" under section A4 and Name the Project "Third Space Program" under section B1. Applications will be collected until July 1st, at which time only completed application packages will be reviewed. Failure to provide all needed information will result in applications being denied. The city of Auburn reserves the right to reject any application. Qualified applications will be accepted during the application period, at the end of which all completed submissions will be evaluated against a pre-established review matrix. The top scoring applications will be funded until all funds are completed, or there are no more qualified applicants.

The City of Auburn is committed to accessibility for all applicants. For questions or accommodations completing applications contact the Community Development Office at (207) 333-6601 ex.1332 or emailing CDBG@auburnmaine.gov. Arrangements will be made for non-English-speaking persons and persons with special needs for mobility, hearing and visual impairments, homebound or those needing assistance with technology and/or access.

Applications must include the following:

- Detailed description of the market population and current mix of offerings
- Detailed plan to expand or create new space or offerings
- Approach to improve quality of service & education/marketing of new offerings

- Detailed traffic or sales projections
- Job descriptions of any new staff to be hired with grant funds
- Existing infrastructure and matching funds leveraged to meet stated goals
- Summary of data tracking and financial systems used to manage funds
- A detailed budget including all requested and matching funds with supporting documentation
- Narrative describing how the expansion meets the objectives within the city comprehensive plan.

Management and Oversight

- *Written Agreement*: The city will enter into a written agreement with the selected businesses describing the amounts and uses of funds.
- A commitment letter and promissory Note will be executed in the amount awarded. In the event the business does not meet the conditions detailed within the agreement the funds will be repaid to the city.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023

Author: John Blais

Subject: Acceptance of realignment of Miller Street as a city street, provide easements to Auburn Sewer & Water District and JCS 18, LLC related to the development of 186 Main Street.

Information: City Staff are requesting the city accept realignment of Miller Street as a City Street, provide permanent easements to Auburn Sewer & Water District, JCS 18, LLC and Turson LLC.

The street has been designed to be realigned for, 197.99'± in length and has been designed to the standards as required by City of Auburn Ordinances, Chapter 46, Article V – Design and Construction Standards. Miller Street is laid out and dedicated for public use on the following plans (Sheets 1-10 by Sebago Technics) to be approved by the Auburn Planning Board on June 6, 2023. This alignment is to accommodate the full development of 186 Main Street (PID 231-020). Which includes a new five (5) story mixed-use building that will be made up of four (4) floors of 18 units of market rate multi-family housing and 1,118 SF of retail/commercial space and one (1) floor with a 118-seat restaurant/brewery space.

Other associated tasks include providing discontinuance a section of Miller Street and providing a temporary easement for 2 years to JCS 18, LLC.

City Budgetary Impacts: None

Staff Recommended Action: Discuss today and then schedule to move the request through public notice, and city council approval to accept the realignment of Miller Street upon approval by City of Auburn Planning Board.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Easement Plan by Sebago Technics, 05/22/23
Location Map

Temporary Work Space (JCS 18, LLC)
Permenant Road Re-Alignment (Miller St.)
Rights of Use Maintenance & Access Easement JCS 18, LLC)
Sewer Easement (ASWD)
Rights of USE & Access Easement Torson LLC

PROPERTY LINE TABLE		
LINE	DIRECTION	DISTANCE
EL1	N 31°35'33" E	20.23'
EL2	N 38°59'07" E	10.54'
EL3	S 31°35'33" W	1.82'

MAIN STREET

186 MAIN ST

MULTI-STORY BRICK COMMERCIAL STRUCTURE

MILLER ALLEY

REBAR WITH CAP 1278

1/2" IRON IN CONC. WALK

RAILROAD SPIKE

PROPOSED SEWER EASEMENT 2,124 S.F.

AREA OF DISCONTINUANCE TO BE RETAINED AS RIGHTS OF USE MAINTENANCE, AND ACCESS EASEMENT 3,784 S.F.

PROPOSED DISCONTINUANCE OF MILLER STREET 3,784 S.F.

MILLER STREET

PROPOSED RELOCATION OF MILLER STREET 4,827 S.F.

AUBURN RIVER WALK

PROPOSED TEMPORARY CONSTRUCTION EASEMENT 17,075 S.F.

GRAPHIC SCALE
(IN FEET)
1 INCH = 10 FT.

updated 5/22/23
JAB

F:\Projects\220503\220503\DWG\Design\220503 EASEMENT PLAN.dwg - 5/22/2023 9:34 AM - TANNER F. GOODINE

220503 EASEMENT PLAN.dwg, TAB.6 EASEMENT PLAN

STATE OF MAINE
PAUL D. OSTROWSKI
No. 11175
REGISTERED PROFESSIONAL ENGINEER
05/22/2023

PAUL D. OSTROWSKI PE 11175

REV.	BY:	DATE:	STATUS:
E	PDO	05/22/2023	REVISED EASEMENT PLAN
D	PDO	05/18/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO	05/05/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	ACH	01/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS
A	ACH	01/06/2023	ISSUED FOR TRAFFIC MOVEMENT PERMIT

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

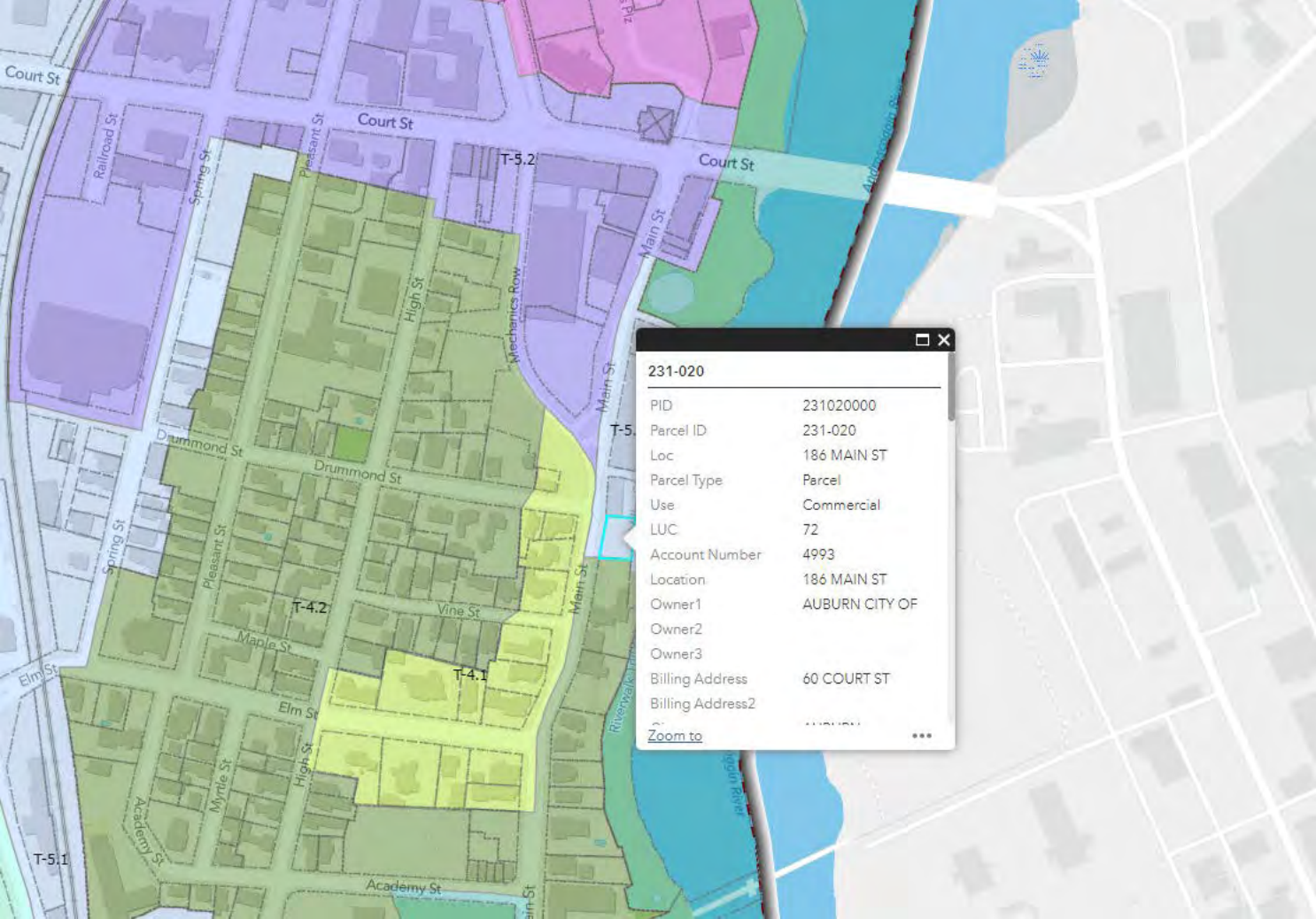
SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

RECORD OWNER:
CITY OF AUBURN
60 COURT STREET
AUBURN, ME 04210

EASEMENT PLAN
OF:
186 MAIN STREET
186 MAIN STREET
AUBURN, MAINE 04210
FOR:
JCS 18, LLC
20 MECHANIC STREET
GORHAM, MAINE 04038

DESIGNED	TFG
DRAWN	ABB
CHECKED	PDO
DATE	05/05/2023
SCALE	1" = 10'
PROJECT	220503-01

SHEET 3 OF10


Court St
Railroad St
Spring St
Pleasant St
Court St
T-5.2
Court St
Main St
High St
Mechanics Row
Main St
T-5.
Drummond St
Drummond St
Spring St
Pleasant St
T-4.2
Vine St
Main St
Maple St
Elm St
T-4.1
Elm St
High St
Myrtle St
Academy St
T-5.1
Academy St
Riverwalk
Androscoggin River
231-020
PID 231020000
Parcel ID 231-020
Loc 186 MAIN ST
Parcel Type Parcel
Use Commercial
LUC 72
Account Number 4993
Location 186 MAIN ST
Owner1 AUBURN CITY OF
Owner2
Owner3
Billing Address 60 COURT ST
Billing Address2
Zoom to

City of Auburn
City Council Information Sheet

Council Workshop Date: June, 5, 2023

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of City-Owned Properties

Information: The City of Auburn Economic Development Department seeks approval for the City Manager to execute the sale of city-owned properties through Bill Bergeron with Fontaine Family Realty.

City Budgetary Impacts: None

Staff Recommended Action: Approve the order as presented.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: List of properties

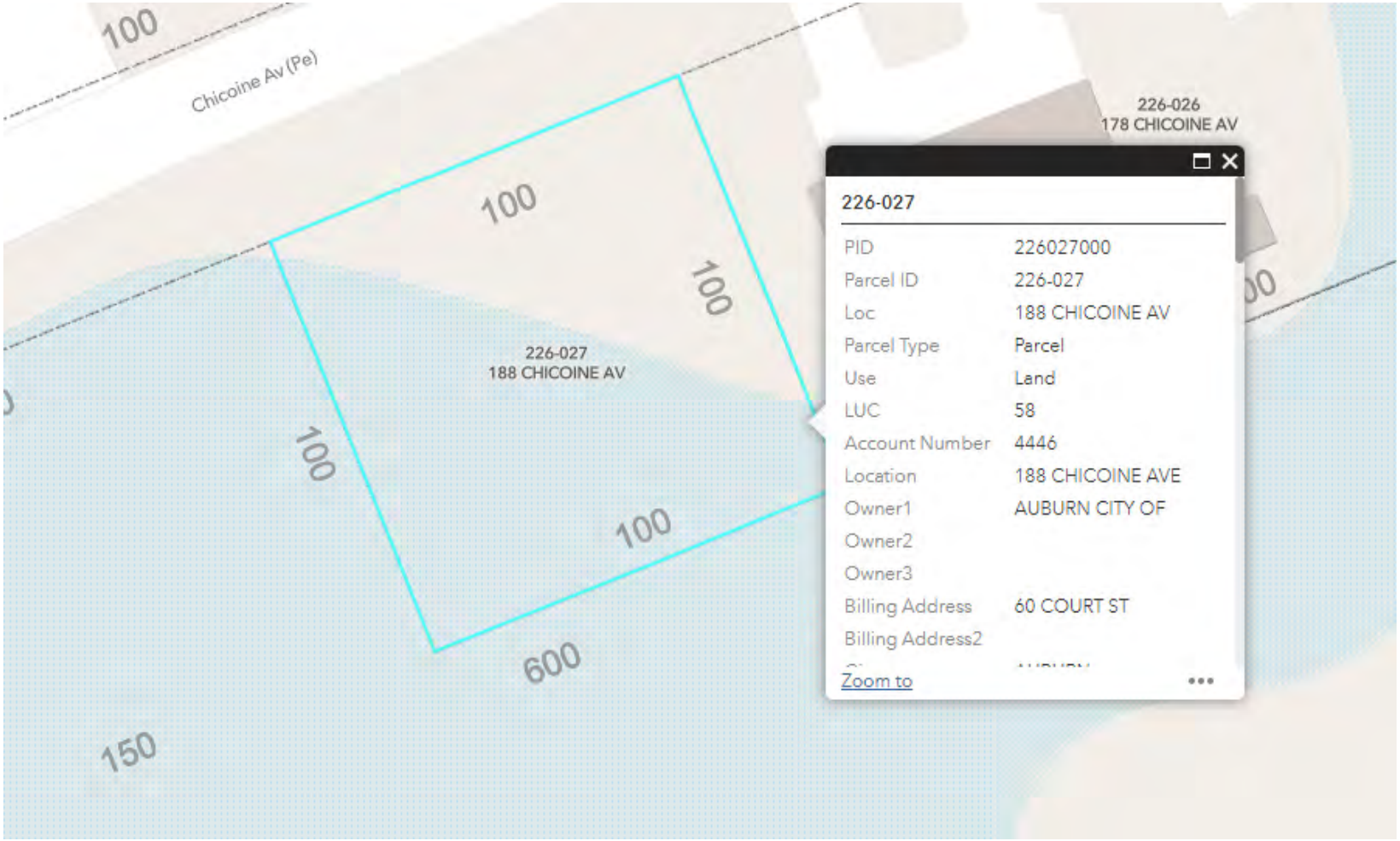
City of Auburn
Proposed Sale of City-Owned Properties
City Council Meeting June 5, 2023

Jay Brenchick, Director of Economic Development

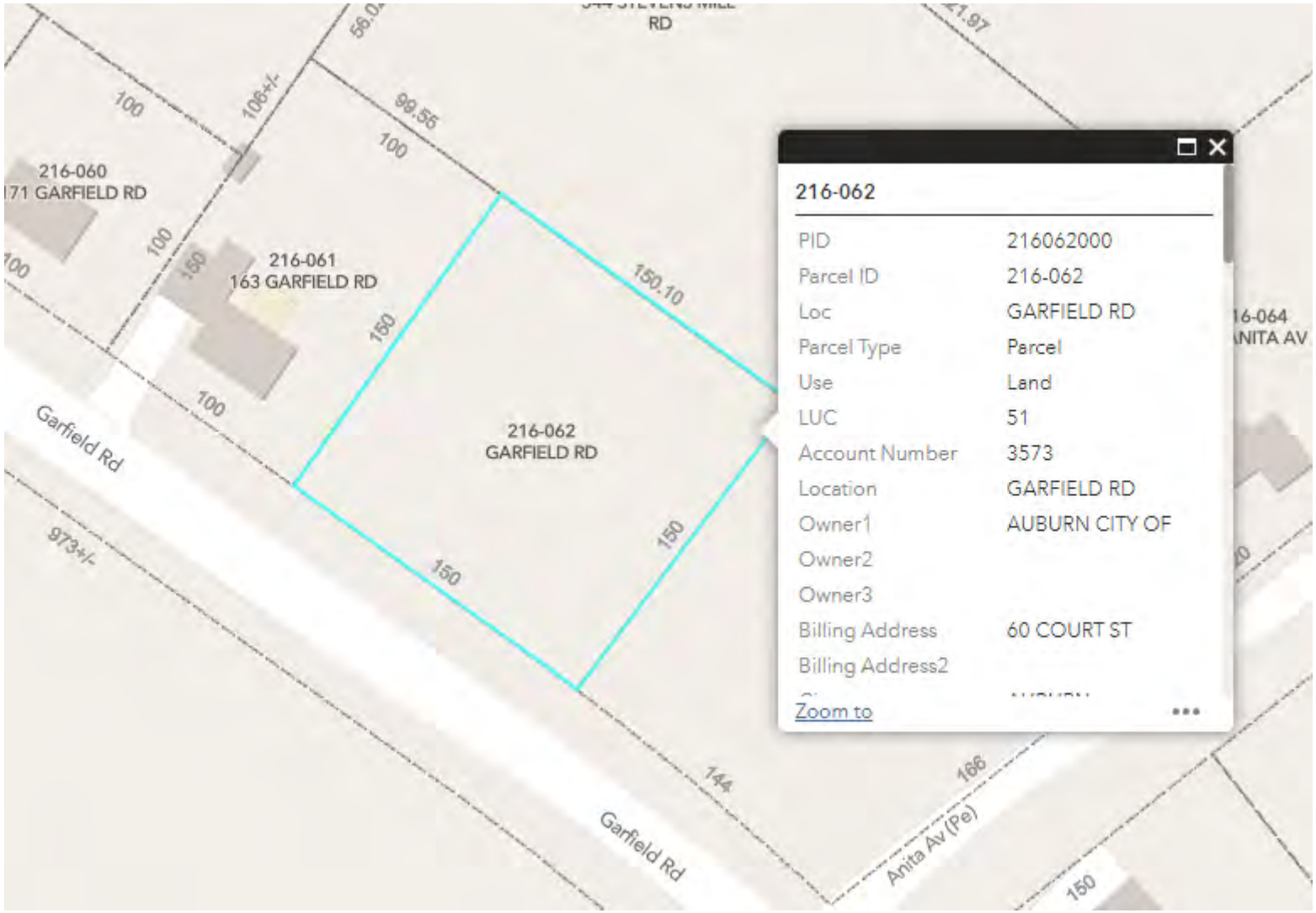
Subject: The City of Auburn Economic Development Department seeks approval for the City Manager to execute the sale of city-owned properties below through Bill Bergeron with Fontaine Family Realty.

Address	Description
188 Chicoine Avenue	Parcel ID: 226-027
Garfield Road	Parcel ID: 216-062
126 Goff Street	Parcel ID: 250-382
140 Northern Avenue	Parcel ID: 271-080-011
Smith Street	Parcel ID: 198-063
South Witham Road	Parcel ID: 161-009
Union Street	Parcel ID: 240-169
18 Western Prom	Parcel ID: 250-383
59 Willard Road	Parcel ID: 266-045
192 Winter Street	Parcel ID: 260-022
86 Western Ave	Parcel ID: 230-026

188 Chicoine Ave.
.23 +/- acres
Zoned: Urban Residential

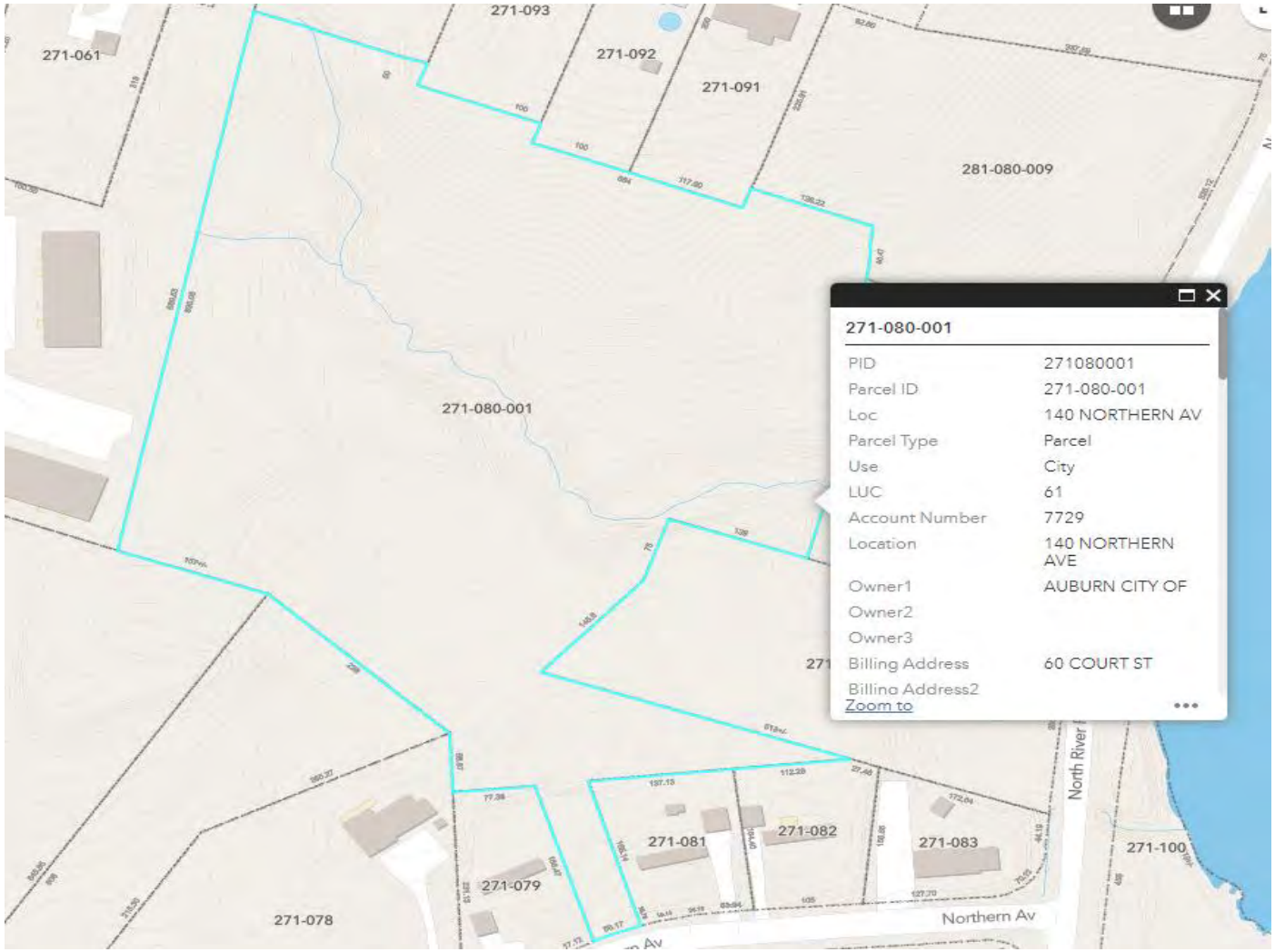


Garfield Rd
.52 Acres +/-
Zoned: Suburban Residential



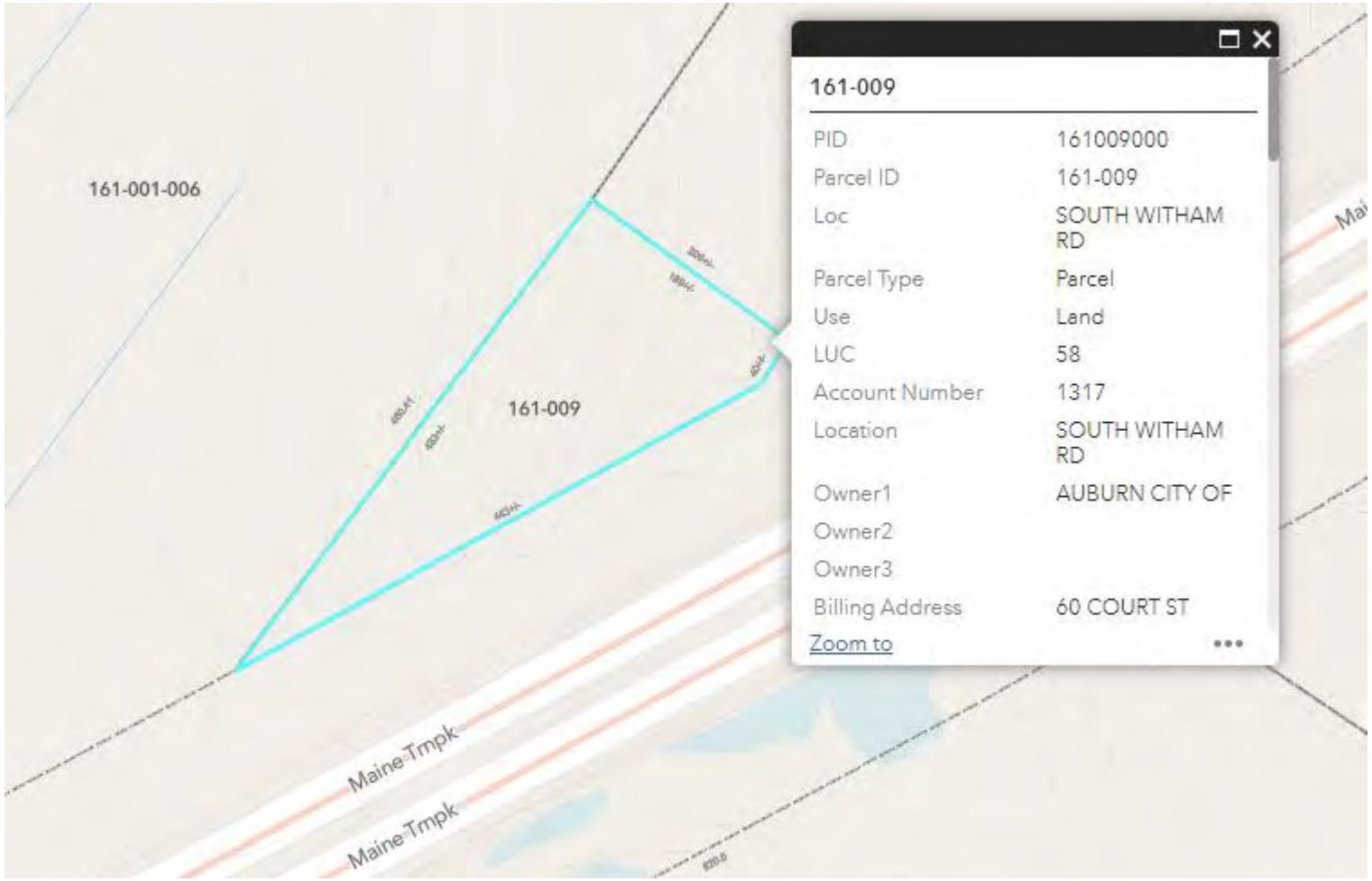
126 Goff Street
.15 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)

140 Northern Avenue
9.21 Acres +/-
Zoned: Multi-Family Suburban



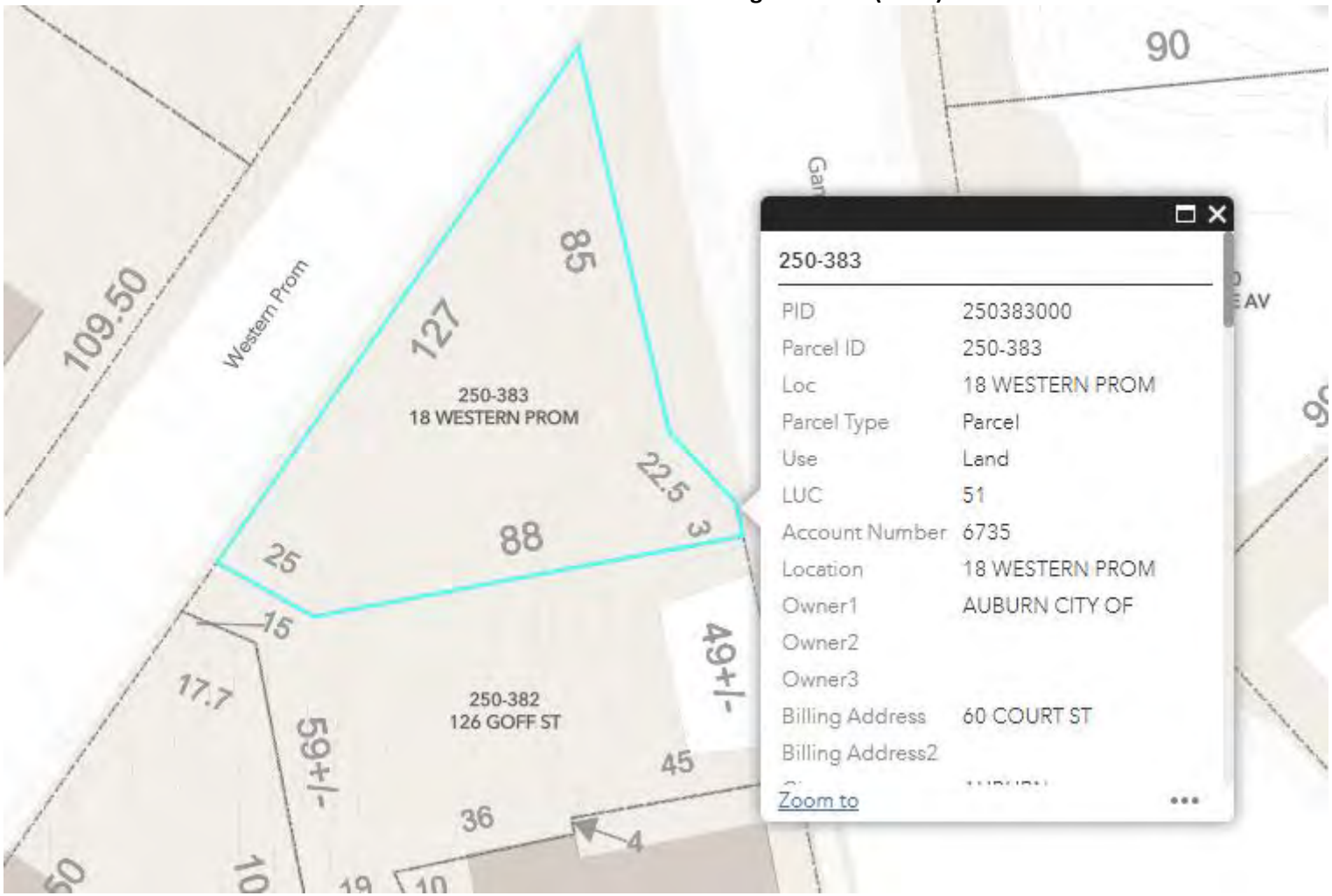
Smith Street
.23 Acres +/-
Zoned: Suburban Residential

South Witham Road
1.06 Acres +/-
Zoned: Low Density Country Residential

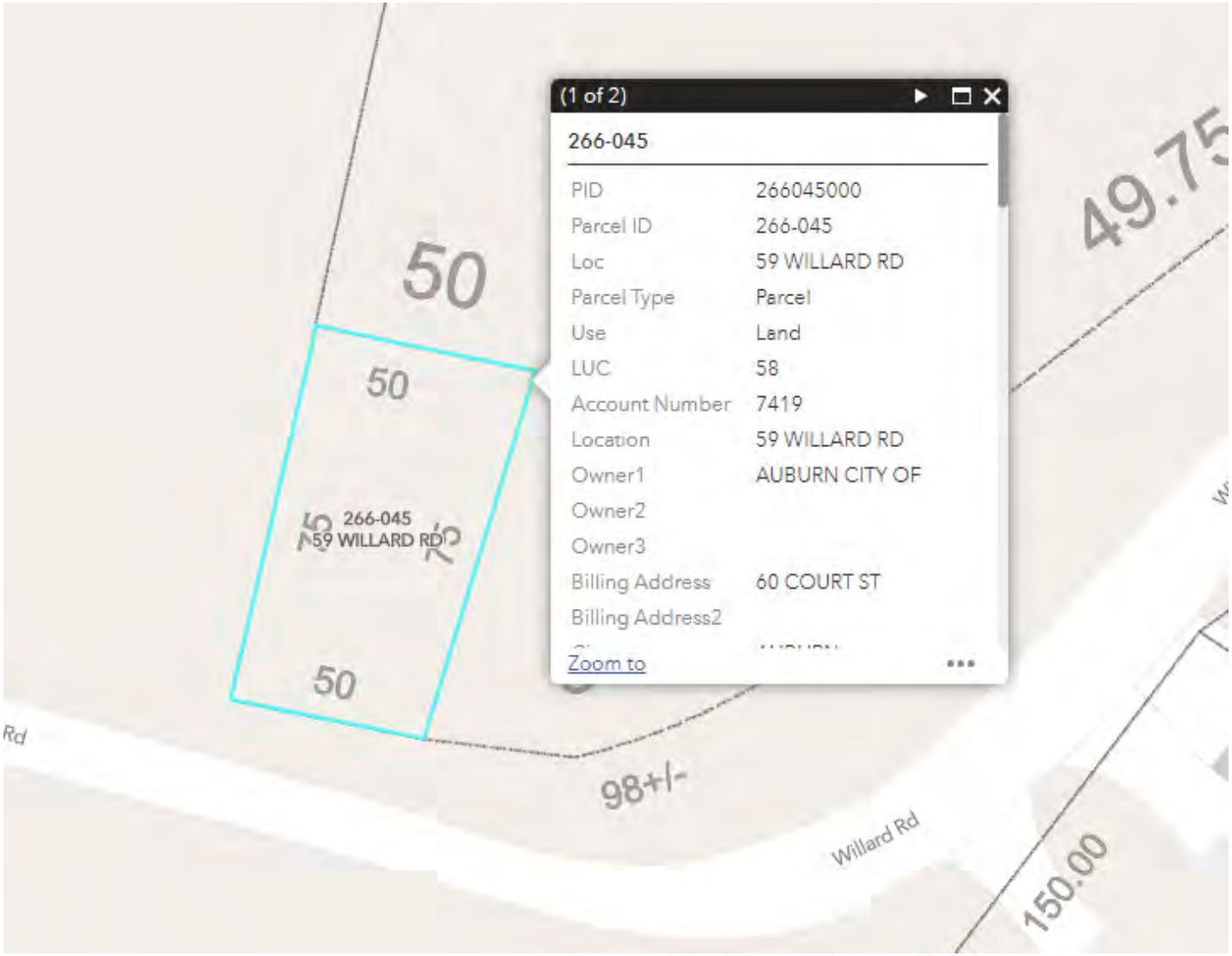


Union Street
.02 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)

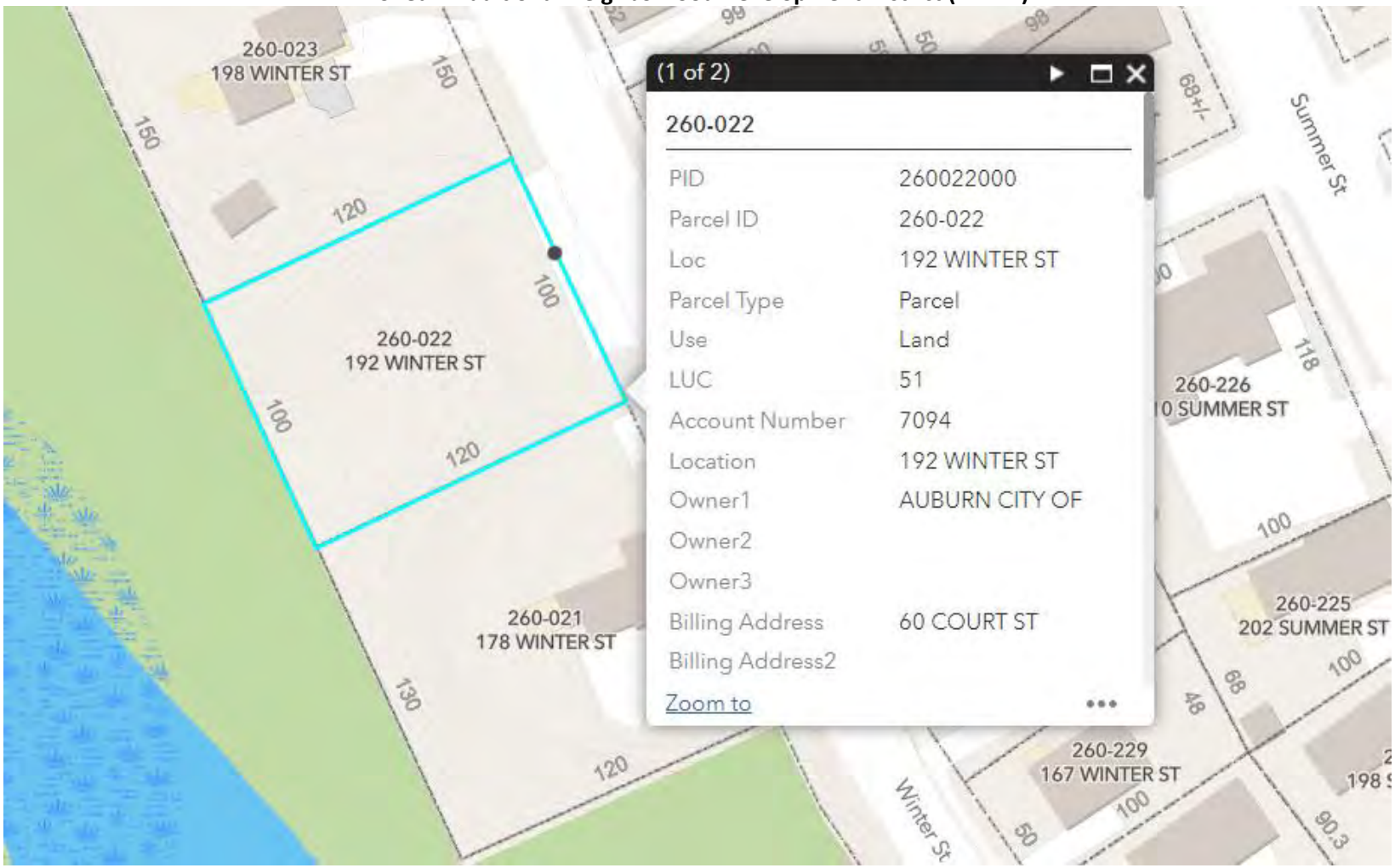
18 Western Prom
.12 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)



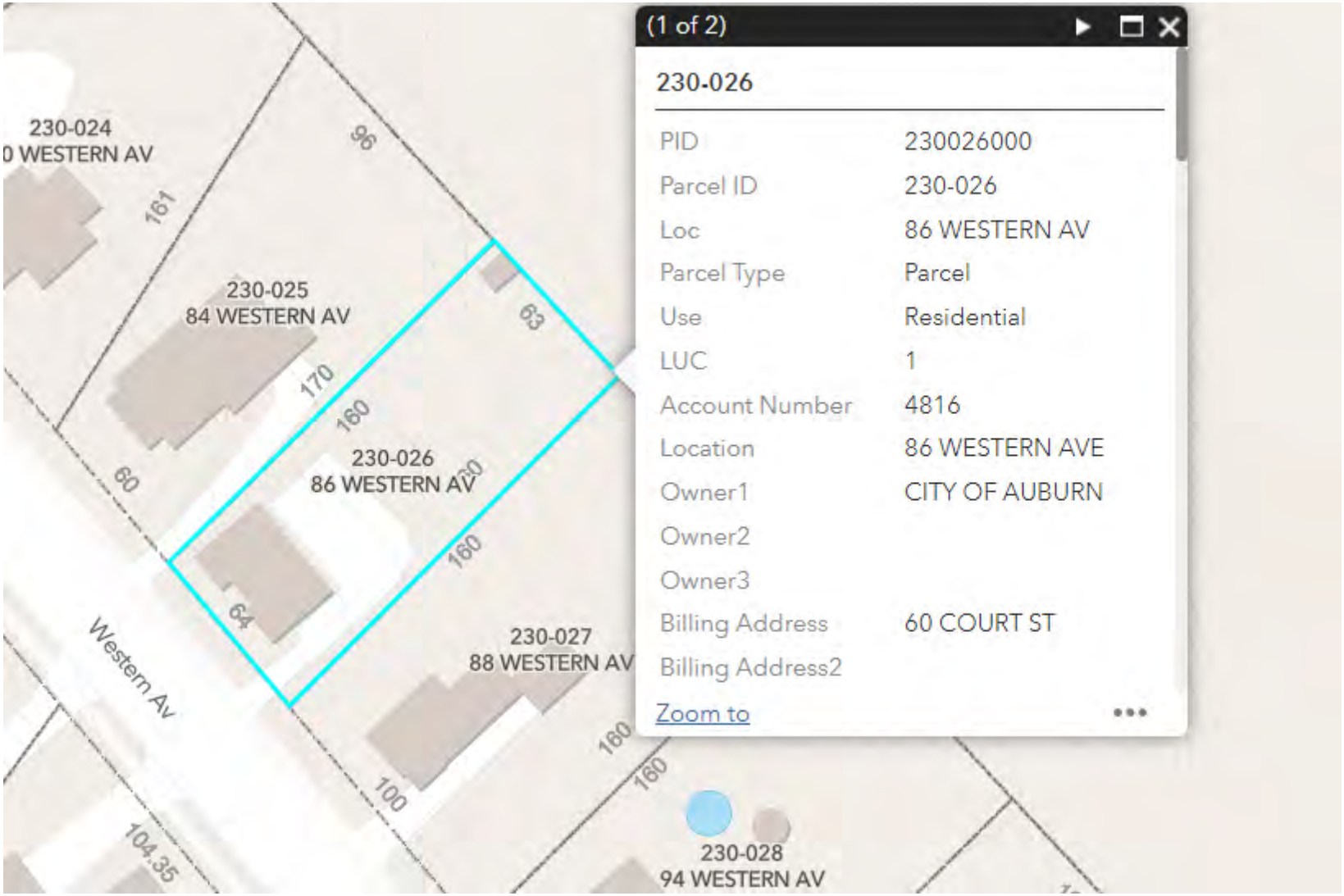
Willard Road
.09 Acres +/-
Zoned: Rural Residential



192 Winter Street
.28 Acres +/-
Zoned: Traditional Neighborhood Development District (T-4.2B)



86 Western Ave
.23 Acres +/-
Zoned: Traditional Neighborhood Development District (T-4.2B)



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023

Author: Mayor Jason Levesque

Subject: Marketing/promotion of American Rescue Plan Act (ARPA) Programs

---

Information: Staff and elected officials receive phone calls and emails multiple times per week from residents and businesses regarding city sponsored programs that are currently available. However, there are many who are not aware of any of the programs. Recently, I addressed the United New Auburn meeting and asked those in attendance if they have taken advantage of any of our ARPA (American Rescue Plan Act) programs. Out of the twenty-five people there, only one of them had heard of the programs.

It would be beneficial for residents to be aware of the council approved programs funded through the American Rescue Plan Act (ARPA). These programs were intended to provide economic relief during and following the Covid-19 pandemic. I would recommend that we send a mailing to all households in Auburn to promote and encourage participation in accessing these funds. The cost for a 6.5" x 9" 2-sided, color, heavy stock card – sent to 10,500 households in Auburn - would cost a total of $4,000.

The Homeowner Tax Relief program has unused allocations as follows: Postage - $5,000 and Office Supplies - $5,000.

City Budgetary Impacts: None. Utilize current ARPA Homeowner Tax Relief program postage funds.

Staff Recommended Action: To utilize currently allocated ARPA funds for this purpose.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023 **Order:** 71-06052023

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the June 13, 2023 Election.

Information:

Warden and Ward Clerk Appointments are normally made every two years, however, there have been vacancies and challenges filling these positions. The City Clerk has nominated the individuals below to fill the Warden and Ward Clerk vacancies for the June 13, 2023 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Paul Ouellette – Ward Clerk
Doreen Jordan – Warden
Alice Dill – Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Appointments are made every two years or when there is a vacancy.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Order

ORDER 71-06052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints the following to serve as Wardens & Ward Clerks for the June 13, 2023 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Paul Ouellette – Ward Clerk
Doreen Jordan – Warden
Alice Dill – Ward Clerk

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023 **Order:** 72-06052023

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Rick Whiting to the Auburn Lewiston Airport Board

---

Information: Mayor Levesque has nominated Rick Whiting to serve as a City Councilor on the Auburn Lewiston Airport Board. This nomination requires confirmation of the Auburn City Council.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 72-06052023

City Council Order

IN CITY COUNCIL

Ordered that the Auburn City Council hereby confirms Mayor Levesque's appointment of Councilor Rick Whiting to the Auburn Lewiston Airport Board.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL SPECIAL JOINT MEETING MAY 15, 2023, VOL. 37 PAGE 41

Mayor Levesque called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Auburn and Lewiston Councilors were present.

5:30 P.M. City Council Meeting

Pledge of Allegiance

I. Executive Session – Lewiston and Auburn Joint Executive Session – Legal consultation, pursuant to 1 M.R.S.A. §405(6)(E).

Motion was made by Councilor Walker and seconded by Councilor Morin to enter executive session.

Passage 14-0. Time 5:32 pm.

Council was declared out of Executive Session at 6:45 pm.

II. Unfinished Business

1. **Auburn Order 59-05012023**
Modifying the Auburn-Lewiston Airport interlocal agreement.

Motion was made by Council Morin and seconded by Councilor Walker for passage.

Motion was made by Councilor Milks and seconded by Councilor Walker to postpone this item until the first meeting in June (June 5th).

Passage 7-0.

III. Adjournment

Motion was made by Councilor Lachapelle of Lewiston and seconded by Councilor McCarthy of Lewiston to adjourn.

Unanimously approved and the meeting adjourned at 6:50 pm.

A TRUE COPY ATTEST Alison F. Pepin

Alison F. Pepin, Deputy City Clerk

IN COUNCIL REGULAR MEETING MAY 15, 2023, VOL. 37 PAGE 42

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 62-05152023***
Appointing Robert Cavanagh to the Age Friendly Community Committee with a term expiration of 06/01/2026.

2. **Order 63-05152023***
Re-appointing Sally Gagne to the Age Friendly Community Committee with a term expiration of 06/01/2026.

3. **Order 64-05152023***
Re-appointing Diane Vincent to the Age Friendly Community Committee with a term expiration of 06/01/2026.

4. **Order 65-05152023***
Re-appointing Benjamin Weisner to the Age Friendly Community Committee with a term expiration of 06/01/2026.

5. **Order 66-05152023***
Appointing Daniel Bilodeau to the Auburn Sewer District Board of Trustees with a term expiration of 03/01/2027.

6. **Order 67-05152023***
Appointing Brad Kowalski to the Auburn Sewer District Board of Trustees with a term expiration of 03/01/2026.

7. **Order 68-05152023***
Appointing Britny Anderson to the Parks & Recreation Advisory Board with a term expiration of 10/01/2024.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage of the seven consent items.

Passage 7-0.

II. Minutes – May 1, 2023, Regular Council Meeting

Motion was made by Councilor Milks and seconded by Councilor Walker to approve the minutes of May 01, 2023, Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Recognition and Pinning Ceremony – Auburn Fire Department Promotions
  - Michael Scott promoted to Battalion Chief
  - Erik Poland promoted to Captain.
  - Tyler Arsenault promoted to Lieutenant.
  - Adam Salve promoted to Lieutenant.
- Maine Arbor Week Proclamation
- Recognition – The City of Auburn, recipient of the Maine Spirit of America 2022 Gold Distinction

Council Communications:

Councilor Staples reported that he attended the dedication of Mother's Park on Drummond Street with Councilor Whiting and Councilor Walker and stated it was a great event. He also wanted to thank Tizz Crowley for initiating the event.

Councilor Walker thanked the City of Auburn for the plaque that was presented at Anniversary Park for the celebration of 90 years since the Great Fire that destroyed the city of New Auburn. He further went on to say it was a great event and wanted to thank everyone who attended.

Councilor Milks commended the staff and everyone that took part in organizing and putting together the lobster festival. It was a great time.

Councilor Whiting thanked the Mayor, City Manager and Fire Chief for their participation in the unveiling of the plaque for the 90th anniversary of the New Auburn Fire.

Mayor Levesque spoke about the current drug epidemic that is happening within the City of Auburn and how it is correlated with generational poverty. He thanked the City Council and staff for continually taking proactive steps to help eliminate generational poverty through continuing to help make the Pal Center a reality, offering mental health programs, free recreation activities, making sure our schools are fully funded and giving opportunities for all. He went on to say that his primary oath as Mayor is Life and Liberty for the people of Auburn and balancing fiscal responsibility.

City Manager Crowell spoke regarding the PACE program that the Council, at the last budget process developed and approved. He stated that PACE program is an opportunity for the police department to be more proactive and engaged at a street level, as it pertains to the drug epidemic. Manager Crowell reiterated the PACE program is a good option and proposes that when the Council gets to the budget process that they bring PACE forward as part of an amendment to the budget.

IV. **Open Session** – No one from the public spoke.

V. **Unfinished Business**

1. **Order 58-05012023**
Authorizing the City's general obligation bonds in the amount of $13,000,000.00 to finance the City's FY24 Capital Improvement Program. Second reading.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public Comment - Andy Titus, 24 Rubelite Lane, spoke on how the City funds are spent. Specifically, the $3,000,000 for a public safety upgrade in New Auburn. His other concern is the PAL Center and still needs to raise another $1.5 million dollars. He asked why we are bonding the $1.5 million when we don't know if the additional money will come in.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken.

Motion was made by Councilor Milks and seconded by Councilor Morin to suspend the rules to take up **Order 69-05152023** – Adopting the Fiscal Year 2024 School Budget.

Passage 7-0.

Order 69-05152023
Adopting the Fiscal Year 2024 School Budget.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Passage 7-0. A roll call vote was taken.

2. **Resolve 01-05012023**
Adopting the Appropriations Resolve for Fiscal Year 2024. Second reading.

Motion made by Councilor Walker and seconded by Councilor Staples for passage.

Public Comment – No one from the public spoke.

Motion was made by Councilor Staples and seconded by Councilor Gerry to amend by reinstating the PACE program for the police department.

Passage 7-0.

Motion was made by Councilor Milks and seconded by Councilor Whiting to amend with the estimated aggregate amount of non-property tax revenue of $62,395,844 with a municipal revenue budget of $23,121,704 and a School Department revenue budget of $39,274,140.

Passage 7-0.

Motion was made by Councilor Staples and seconded by Councilor Milks to address the resolve to state, the aggregate appropriation for the City of Auburn is $113,170,192, with a municipal budget of $51,126,866.

Passage 7-0.

Passage as amended 6-1 (Councilor Gerry opposed). A roll call vote was taken.

3. **Order 60-05012023**
Reallocating unspent proceeds from the City's 2020 General Obligation Bonds. Public hearing and second reading.

Motion made by Councilor Walker and seconded by Councilor Hawes for passage.

Public Hearing – Public hearing to receive comments on reallocating unspent proceeds from the City's 2020 General Obligation Bonds.

No one from the public spoke.

Passage 7-0. A roll call vote was taken.

VI. New Business

1. **Order 70-05152023**
Approval of a Credit Enhancement Agreement between the City of Auburn and American Development Group, LLC relating to the TIF #27 Stable Ridge Municipal Development and Tax Increment Financing District. Public hearing and vote.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public Hearing – Public hearing to receive comments for Credit Enhancement Agreement between the City of Auburn and American Development Group, LLC.

John Cleveland – 183 Davis Avenue would like to urge the Council to vote against the credit enhancement agreement because he feels it is bad public policy. He stated if approved an awful precedent will be set going forward for all for profit multi-family homes who do not commit any public benefit to receive a credit enhancement.

Sharon Philbrick Bergeron – 23 Dexter Avenue, stated that she hopes the Council will invest in the four areas outlined in the TIF and not enrich one private developer by incrementally giving them $500,000.

Dennis Bergeron – 23 Dexter Avenue, stated that he is against this proposal and if the Council votes to approve then he would like to know why.

Andy Titus – 24 Rubelite Lane – stated that when a private developer starts a project, they take on a risk of something going adverse. He questioned whether the City of Auburn will now be taking on that risk when the next developer comes along. He stated a credit enhancement is to benefit the community and it does not look like this does.

Fails 0-7. A roll call vote was taken.

VII. Open Session – No one from the public spoke.

VIII. Reports –

Mayor Levesque toured the new Edward Little High School; Construction is on schedule and is very close to completion. On May 20th there will be a tour of the old Edward Little High School. He's hoping there will be tours for the Council and School Board. The mayor would like to hold a joint City Council and School Board meeting in September at the new school auditorium providing everyone to come in and experience a portion of the high school. The mayor commented on the success of the Lobster Festival and how it attracted thousands of people, resulting in thousands of dollars raised for the PAL Center.

Jill Eastman, Finance Director – April 2023 Finance Report

Motion was made by Councilor Staples and seconded by Councilor Morin to accept and place on file the April 2023 finance report.

Passage 7-0.

IX. Executive Session – Legal consultation, pursuant to 1 M.R.S.A. §405(6)(E).

Motion made by Councilor Walker seconded by Councilor Milks to enter Executive Session.

Passage 7-0.

Time in 8:20 pm.

Council was declared out of executive session at 9:20 pm.

X. Adjournment

Motion was made by Councilor Walker seconded by Councilor Staples to adjourn. Unanimously approved and the meeting adjourned at 9:20 pm.

A TRUE COPY ATTEST Alison F. Pepin

Alison F. Pepin, Deputy City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023 **Order:** 59-05012023

Author: Jonathan P. LaBonte

Subject: Modification to Auburn-Lewiston Municipal Airport Interlocal Agreement

---

Information: The included order, as postponed on May 15th, amends the existing interlocal agreement with the City of Lewiston that established the Auburn-Lewiston Municipal Airport. The changes were specific to board composition and replaced the existing board with one comprised of two staff from each city and a representative from AVCOG.

An alternative order is also included. This alternative changes the Board of Directors appointment process from a mix of municipal staff, elected officials, members of the public, and several non-profit organizations to targeted municipal areas of expertise at the staff level, an elected official from each city, the excutive director of AVCOG (or their designee), an two ex-officio, non-voting users of the airport. Further amended language clarifies the number of directors that makes a quorum, as well as the process to remove a director.

City Budgetary Impacts: N/A

Staff Recommended Action: Consider passage.

Previous Meetings and History:
May 1, 2023 City Council Meeting – Voted to Postpone to May 15, 2023
May 15, 2023 City Council Meeting – Voted to Postpone to June 5, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
Auburn-Lewiston Municipal Airport Interlocal Agreement
Order as Postponed at May 15, 2023 City Council Meeting
Alternative Order for Consideration at June 5, 2023 City Council Meeting

ORDER 59-05012023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby adopts the following:

AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN CITY OF AUBURN AND CITY OF LEWISTON

THIS AMENDMENT TO INTERLOCAL AGREEMENT is made as of this __5th__ day of June, 2023, to the INTERLOCAL AGREEMENT by and between the **CITY OF AUBURN**, a municipal corporation duly organized under the laws of the State of Maine with a principal location at 60 Court Street in Auburn, Maine (hereinafter "Auburn"), and the **CITY OF LEWISTON**, a municipal corporation duly organized under the laws of the State of Maine with a principal location at 27 Pine Street in Lewiston, Maine (hereinafter "Lewiston").

W I T N E S S E T H:

WHEREAS, Auburn and Lewiston (collectively, the "Parties") entered into an Interlocal Agreement dated on or about March of 1979 for interlocal cooperation on the operation, maintenance and improvement of the Auburn-Lewiston Municipal Airport (the "Initial Agreement"); and

WHEREAS, the Parties previously agreed to amend the Initial Agreement on or about January 1981 (the "1981 Amendment"); and

WHEREAS, the Parties previously agreed to amend the Initial Agreement on or about August 1984 (the "1984 Amendment"); and

WHEREAS, Auburn previously agreed to amend the Initial Agreement on or about August 1984 and Lewiston previously agreed to the same amendment to the Initial Agreement on or about November 1988 (the "1988 Amendment"); and

WHEREAS, the Parties previously agreed to amend the Initial Agreement on or about December 2007 (the "2007 Amendment"); and

WHEREAS, the Initial Agreement, as modified by the 1981 Amendment, the 1984 Amendment, the 1988 Amendment, and the 2007 Amendment, are collectively referred to herein as the "Agreement"; and

City Council Order

WHEREAS, the Parties desire to amend said Agreement;

NOW, THEREFORE, in consideration of the mutual conditions and covenants contained herein, the parties agree as follows:

A. ***Changes to Article III – Airport Board Organizational Structure/Board of Directors***. Section 1, "Membership," of the Agreement shall be amended as follows (additions are underlined; deletions are ~~struck out~~):

Section 1. Membership

The Board will consist of nine members. ~~The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices.~~ The Auburn City Manager and the Lewiston City Administrator shall each appoint two staff (city employee) members from their respective cities based on their experience in transportation, public works, finance, or economic development. A fifth~~third~~ member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at ~~their first regular~~ a public meeting. A sixth~~fourth~~ member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at ~~their first regular~~ a public meeting. ~~A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the eight are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any five members, select the seventh member of the Board.~~ The seventh~~eighth~~ member of the B~~b~~oard shall be the Executive Director~~an employee representative~~ of the Androscoggin Valley C~~c~~ouncil of G~~g~~overnments or their designee. ~~The ninth member would be a employee representative of the Lewiston Auburn Economic Growth Council. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled.~~ The eighth and ninth members of the Board shall be two representatives, appointed by the seven members of the Board described above, who shall be users of the

City Council Order

Airport with aviation knowledge and experience and who shall serve in an *ex-officio*, non-voting capacity.

~~The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth or seventh members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.~~

~~In the event the employee representative of the Androscoggin Valley Council of Governments or the Employee representative of the Lewiston Auburn Economic Growth Council shall die, become incapacitated, resign or is discharged from said offices, their respective agency director shall appoint a member to the Board and such member shall serve only until the respective offices are filled.~~

~~By a majority vote of five members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. The decision of the appointing authority shall be binding.~~

Members of the Board will serve without compensation other than the compensation from the entity they represent but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

A quorum of the Board shall consist of four voting members.

B. ***Changes to Article III – Airport Board Organizational Structure/Board of Directors***. Section 2, "Terms of Office (After Initial Appointments)," of the Agreement shall be amended as follows (additions are underlined; deletions are ~~struck out~~):

Section 2. Terms of Office (After Initial Appointments)

Lewiston staff members (2)~~Finance Director~~ - By virtue of their appointment~~the office~~.

Auburn staff members (2)~~City Manager~~ - By virtue of their appointment~~the office~~.

Lewiston Councilor - While a Councilor of the City of Lewiston.

Auburn Councilor - While a Councilor of the City of Auburn.

Seventh~~Fifth~~ Member (AVCOG Executive Director~~Auburn Resident~~) – By virtue of the position~~Three-year term~~.

City Council Order

~~Sixth Member (Lewiston Resident) - Three-year term.~~

~~Seventh Member (Alternating Resident) - Three-year term.~~

Eighth Member (Airport user~~AVCOG~~) – Three-year term.~~By virtue of position~~

Ninth Member (Airport user~~LAEGC~~) – Three-year term.~~By virtue of position~~

C. ***Changes to Article III – Airport Board Organizational Structure/Board of Directors***. A new Section 3, "Removal of Directors," shall be added to the Agreement as follows (additions are underlined):

Section 3. Removal of Directors

A Lewiston staff member may be removed for convenience by the City Administrator or if the staff member is no longer an employee of the City. A Lewiston staff member may be removed by the Board for cause, after notice and hearing. An Auburn staff member may be removed for convenience by the City Manager or if the staff member is no longer an employee of the City. An Auburn staff member may be removed by the Board for cause, after notice and hearing.

A Lewiston Councilor may be removed by the Lewiston City Council for cause, after notice and hearing. An Auburn Councilor may be removed by the Auburn City Council for cause, after notice and hearing.

The AVCOG Executive Director member may be removed by the Board for cause, after notice and hearing.

The Airport user members may be removed by the Board for cause, after notice and hearing, or upon a determination by the Board that the member is no longer a user of the Airport.

D. ***Amendment***. All provisions of the Agreement are incorporated into this Amendment and are hereby modified or amended to conform to this Amendment, but in all other respects are to be and shall continue in full force and effect.

IN WITNESS WHEREOF, the said **CITY OF AUBURN** has caused this Amendment to be signed and sealed Philip Crowell, Jr., its City Manager, thereunto duly authorized, and the **CITY OF LEWISTON** has

City Council Order

caused this Amendment to be signed and sealed by Heather Hunter, its City Administrator, thereunto duly authorized, the day and year first above written.

WITNESS:

CITY OF AUBURN

_____

By: _____

Phillip L. Crowell, Jr.

Its City Manager

WITNESS:

CITY OF LEWISTON

_____

By: _____

Heather Hunter

Its City Administrator

ORDER 59-05012023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby modifies, pursuant to Article XII, the interlocal agreement that established the Auburn-Lewiston Municipal Airport as follows:

ARTICLE III - AIRPORT BOARD ORGANIZATIONAL STRUCTURE

Board of Directors

Section 1. Membership
The Board ~~will~~ shall consist of ~~*nine*~~ *five* members. The Auburn City Manager and the Lewiston City Administrator shall each designate two staff members from their respective cities based on experience in transportation, public works, finance, or economic development~~The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices. A third member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at their first regular meeting. A fourth member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at their first regular meeting. A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the *eight* are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any *five* members, select the seventh member of the Board.~~

The fifth ~~eighth~~ member of the board shall be the Executive Director of ~~an employee representative of~~ the Androscoggin Valley C~~c~~ouncil of G~~g~~overnments or their designee. ~~The ninth member would be a employee representative of the Lewiston Auburn Economic Growth Council. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled. In the event the Executive Directoremployee representative of~~

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

~~the Androscoggin Valley Council of Governments or the Employee representative of the Lewiston-Auburn Economic Growth Council shall die, become incapacitated, resign or is discharged from said offices, their respective agency director vacates the position without naming a representative to serve the AVCOG Board Chair shall appoint a member to the Board and such member shall serve only until the respective offices is are filled.~~

~~The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth or seventh members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.~~

~~By a majority vote of four *five* members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. The decision of the appointing authority shall be binding.~~

Members of the Board will serve without compensation other than the compensation from the entity they represent but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

Section 2. Terms of Office (After Initial Appointments)
Auburn Staff – By virtue of the appointment
Auburn Staff – By virtue of the appointment
Lewiston Staff – By virtue of the appointment
Lewiston Staff – By virtue of the appointment
AVCOG Executive Director - By virtue of the position
~~Lewiston Finance Director - By virtue of the office.~~
~~Auburn City Manager - By virtue of the office.~~
~~Lewiston Councilor - While a Councilor of the City of Lewiston. Auburn Councilor - While a Councilor of the City of Auburn.~~
~~Fifth Member (Auburn Resident) - Three-year term. Sixth Member (Lewiston Resident) - Three-year term.~~
~~Seventh Member (Alternating Resident) - Three-year term.~~
~~Eighth Member (AVCOG) – By virtue of position Ninth Member (LAEGC) By virtue of position~~

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023 **Order:** 73-06052023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Authorizing the City Manager to Execute a Donation Agreement (P&S) for 7 Chestnut Street (Auburn Tax Parcel 250-335)

Information: In planning for the PAL Center project the City identified the need for additional parking. City staff approached the owner of 7 Chestnut Street who is willing to transfer the property at no cost to the City. In exchange the City will be required to do environmental clean up needed to be eligible for the States VRAP program.

City Budgetary Impacts: Working with the DEP and others we have identified funds to limit the impact to the cities budget.

Staff Recommended Action: Approve the Order as presented.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Draft Donation Agreement

DONATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2023, by and between **SULTAN CORP**., a Maine business corporation with a mailing address of P.O. Box 7065, Lewiston, Maine 04243, hereinafter called "Donor," and the **CITY OF AUBURN**, a Maine municipal corporation, with a mailing address of 60 Court Street, Auburn, Maine 04210, hereinafter called the "City".

W I T N E S S E T H:

WHEREAS, Donor is the owner of the land and buildings situated at 7 Chestnut Street, in Auburn, Maine, shown in the Assessor files of the City of Auburn as PID 250-335, and which property is more particularly described in a deed from Atlantic Holdings, LLC to Donor dated June 25, 2003 and recorded in the Androscoggin County Registry of Deeds in Book 5488, Page 202 (the "Property");

WHEREAS, a fully occupied multi-family residential apartment building is currently located on the Property, and in the past Beal's Linen operated dry cleaning facilities at the Property;

WHEREAS, the Maine Department of Environmental Protection ("DEP"), through its consultant, has conducted testing at the Property and found hazardous substances contaminating the soil, ground water, and air at the Property;

WHEREAS, the City desires to acquire and redevelop the Property into a parking lot to support its new Auburn Police Activities League (PAL) Center to be located adjacent to the Property;

WHEREAS, the Donor desires to donate the Property to City, and the City desires to accept the donation of the Property from the Donor.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Parties hereby agree as follows:

ARTICLE I
Donation of Property; Effective Date

Section 1.1. Subject to the terms and conditions of this Agreement, Donor agrees to donate to the City, and the City agrees to accept from Donor, the Property in accordance with the terms and conditions of this Agreement.

Section 1.2. The "Effective Date" of this Agreement is the date that the last of the parties has executed this Agreement, as indicated below such party's signature.

ARTICLE II
Due Diligence; Title and Survey; Environmental Audit

Section 2.1. Due Diligence

(a) For the period commencing on the Effective Date and expiring on the Closing Date (the "Due Diligence Period"), the City shall have the right to determine, in the City's sole and absolute discretion, whether the City's proposed acquisition and intended use of the Property is economically and otherwise feasible. During such time, the City shall also be entitled to: (i) examine title to and the survey of the Property (to include wetlands delineation and vernal pool identification if the City elects), (ii) conduct

such other visual inspections of the Property as the City shall deem reasonably necessary in its sole discretion, including without limitation, a Phase I Environmental Site Assessment ("Phase I") and a Limited Phase II Environmental Site Assessment ("Phase II") required for materials testing to be completed by the Maine Department of Environmental Protection, and (iii) physically inspect and review the Property, which investigation shall be of such scope as the City shall determine (hereinafter collectively referred to as the "Due Diligence Investigation").

(b) Donor shall in good faith reasonably cooperate with the City, at the City's sole cost and expense, in facilitating the City's Due Diligence Investigation. Donor shall provide the City and its agents, employees or consultants with reasonable access to the Property to inspect each and every part thereof, and allow the City and its agents, employees or consultants to contact all parties which currently contract with Donor with respect to the Property.

(c) If the City determines, in its sole discretion, that the Property is unsuitable for its purposes or that the City's proposed acquisition and operation of the Property is not economical or otherwise feasible as a result of the City's Due Diligence Investigation, then the City shall have the right to terminate this Agreement by delivery of written notice to Donor (a "Termination Notice") at Donor's address set forth herein prior to the expiration of the Due Diligence Period. Upon the City's timely delivery of a Termination Notice to Donor as provided above, this Agreement shall immediately terminate and be rendered null and void, and neither party shall have any further obligations or liabilities in connection with this Agreement.

Section 2.2. Survey

The City may obtain a survey (the "Survey") of the Property to be prepared by a surveyor registered and licensed in the State in such detail as the City shall determine.

Section 2.3. Title to the Property

(a) At Closing, Donor shall deliver to the City the Deed (as defined in Section 5.1), conveying to the City good and clear record and marketable fee simple title to the Property, subject only to those matters specifically enumerated as title exceptions in the title insurance commitment obtained by the City that are not objected to by the City (by notice to Donor pursuant to Section 2.3(c)) prior to the end of the Due Diligence Period (collectively the "Permitted Exceptions"); provided, however, in no event shall Monetary Liens (as defined in Section 2.3(b)) be considered Permitted Exceptions. The Title Policy (as defined in Section 3.1) to be issued at Closing in connection with conveyance of the Property shall (i) not take exception for parties in possession other than the City; (ii) not take exception for any taxes or liens other than future taxes which are not yet due and payable as of the Closing Date, (iii) not take exception for any closing "gap", and (iv) shall contain such other special endorsements as the City or its lender, if any, may reasonably require. Donor shall deliver such customary affidavits, indemnities and other documentation as may be reasonably necessary to ensure that the Title Company can issue title insurance policies providing the coverages described in (i) through (iv) in the previous sentence.

(b) The Property shall be conveyed by Donor to the City free and clear of all liens, encumbrances, claims, rights of way, easements, leases, restrictions, restrictive covenants and other matters affecting title except for the Permitted Exceptions.

(c) If, in the opinion of the City, the City's title commitment or the Survey reveals anything that materially adversely affects the Property, or if Donor's title to the Property fails to meet the foregoing requirements, or contains defects or exceptions not approved by the City, in the City's sole

discretion, then the City may, by giving written notice to Donor prior to the expiration of the Due Diligence Period, either terminate this Agreement or specify the title or survey defect(s) ("Objections"). If the City specifies any such Objections, Donor agrees to deliver written notice to the City within ten (10) business days of Donor's receipt thereof, of: (i) Donor's intent and agreement to undertake commercially reasonable efforts to cure, prior to Closing, all of the Objections at Donor's sole cost and expense (and such agreement automatically shall become a condition of Closing); or (ii) Donor's election not to undertake commercially reasonable efforts to cure any or all of the Objections ("Donor's Response Notice"). In the event Donor does not deliver Donor's Response Notice to the City within such ten (10) business day period, Donor shall be deemed to have elected option (ii) above with respect to all Objections. If Donor does timely deliver Donor's Response Notice in which Donor does not agree to undertake efforts to cure any or all of the Objections prior to Closing, then the City shall have the option (exercised within five (5) business days after the City's receipt of Donor's Response Notice): (i) of taking title to the Property "as is" and proceeding to the Closing of the Property, (ii) of extending the Closing for a reasonable period of time to enable Donor to cure such deficiency if Donor is attempting to cure same, or (iii) of terminating this Agreement at any time on or prior to the last date for Closing specified in this Agreement, by written notice thereof to Donor.

ARTICLE III
Conditions Precedent to City's Obligation to Close

Section 3.1. The City's obligation to perform under this Agreement is subject to and contingent upon the satisfaction of each and every one of the following conditions. In the event that any of the below conditions is not satisfied at or prior to the date of Closing, the City may terminate this Agreement by delivery of written notice to Donor at Donor's address set forth herein prior to the date of the Closing. Upon the City's timely delivery of such notice to Donor as provided above, this Agreement shall immediately terminate and be rendered null and void, and neither party shall have any further obligations or liabilities in connection with this Agreement. Unless specifically stated otherwise, conditions to obligations hereunder are for the benefit of the City and may be waived in writing by the City.

(a) The Title Company shall deliver to the City at Closing (or be irrevocably committed to issue at Closing) an ALTA Owner's Policy of Title Insurance (the "Title Policy"), with extended coverage (i.e., with the standard pre-printed exceptions deleted), issued by the Title Company as of the date and time of the recording of the Deed, insuring the City as owner of good, clear record and marketable fee simple title to the Property, and subject only to the Permitted Exceptions.

(b) The truth and accuracy in all material respects, as of the Closing, of the representations and warranties of Donor contained in this Agreement, and Donor's fulfillment of its other obligations hereunder within the time periods set forth herein.

(c) The Property shall be in substantially the same condition as on the date of this Agreement, reasonable use and wear excepted.

(d) The City shall have determined, in its sole and absolute discretion, that the results of its Due Diligence Investigations are satisfactory to the City for its intended use of the Property.

(e) The City shall have determined, in its sole and absolute discretion, that the results of its title examination on the Property is satisfactory and that any and all liens of an ascertainable monetary amount on the Property, including, without limitation, mortgages, deeds of trust and other instruments securing financings, mechanic's liens, judgment liens and liens for delinquent taxes, shall be fully paid, satisfied, and discharged at Closing to the satisfaction of the City, in its sole and absolute discretion.

(f) On the Closing Date, title to the Property shall be conveyed to the City subject only to the Permitted Exceptions as set forth in this Agreement.

(g) Donor shall deliver full possession of the Property at Closing, free and clear of all tenants and occupants, and Donor shall have relocated all tenants no later than one (1) year from the date of this Agreement.

ARTICLE IV

Conditions Precedent to Donor's Obligation to Close

Section 4.1. The Donor's obligation to perform under this Agreement is subject to and contingent upon the satisfaction of each and every one of the following conditions. In the event that any of the below conditions is not satisfied at or prior to the date of Closing, the Donor may terminate this Agreement. Unless specifically stated otherwise, conditions to obligations hereunder are for the benefit of the Donor and may be waived in writing by the Donor.

If the donor determines, in its sole discretion, that it is unable to obtain a sufficient and full release from either (i) the DEP, or (ii) from Camden National Bank; then the Donor shall have the right to terminate this Agreement by delivery of written notice to City (a "Termination Notice") at City's address set forth herein prior to the date of the Closing. Upon the Donor's timely delivery of a Termination Notice to City as provided above, this Agreement shall immediately terminate and be rendered null and void, and neither party shall have any further obligations or liabilities in connection with this Agreement.

ARTICLE V
Donor Representations

Section 5.1.

(a) Donor represents to the City, to the best of Donor's actual knowledge, as of the Effective Date and at the Closing Date, the following:

(i) (a) Donor is a duly organized and validly existing business corporation in the State of its organization or incorporation, (b) Donor has full power and authority to execute and deliver this Agreement and the documents contemplated hereby and to perform the transaction contemplated hereby, and (c) Donor's performance of this Agreement and the transaction contemplated hereby have been duly authorized by all requisite action on the part of Donor and the individuals executing this Agreement and the documents contemplated hereby on behalf of Donor have full power and authority to legally bind Donor.

(ii) This Agreement has been duly and properly executed on behalf of Donor, and neither the execution and delivery of this Agreement nor the performance of the transactions contemplated hereby will result in a default (or an event that, with notice or the passage of time or both, would constitute a default) under, a violation or breach of, a conflict with, a right of termination of, or an acceleration of indebtedness under or performance required by, any note, indenture, license, lease, franchise, mortgage, deed of trust or other instrument or agreement to which Donor is a party or by which Donor or Donor's property, including, without limitation, any of the Property, is bound.

ARTICLE VI

Closing Obligations; Closing

Section 6.1.

(a) On the Closing Date, Donor shall deliver to the City the following documents, in form and substance reasonably satisfactory to Donor and the City, duly executed and, if applicable, acknowledged by Donor:

(i) a statutory Quitclaim Deed Without Covenant (the "Deed"), in a form mutually agreed to by the City and Donor, in proper statutory form for recording, conveying title to the Property to the City subject only to the Permitted Exceptions;

(ii) a non-foreign person affidavit stating that Donor is not a "foreign person" under the Foreign Investment in Real Property Tax Act of 1980, and that upon the consummation of the transaction contemplated hereby, the City will not be required to withhold from the purchase price any withholding tax;

(iii) the Real Estate Transfer Tax Declaration;

(iv) a notice regarding underground storage tanks pursuant to 38 M.R.S.A. § 563(6);

(v) a closing statement;

(vi) such other customary documents or instruments reasonably required to carry out the intent of this Agreement, including an owner's affidavit in a form sufficient to omit the parties in possession exception and the mechanic's lien exception from owner's and lender's policies.

(b) On the Closing Date, the City shall deliver to Donor the following documents, in form and substance reasonably satisfactory to Donor and the City, duly executed and, if applicable, acknowledged by the City:

(i) the Real Estate Transfer Tax Declaration;

(ii) the applicable REW forms required by the Maine Bureau of Taxation;

(iii) a closing statement;

(iv) such other customary documents or instruments reasonably required to carry out the intent of this Agreement.

Section 6.2. The closing (the "Closing") shall take place at the offices of Donor's attorney, or at such other place as the parties may agree upon, thirty (30) days after the Donor has relocated the last tenant at the Property, or such other date as may be mutually agreed to by the City and Donor. The day on which the Closing occurs is hereinafter referred to as the "Closing Date."

Section 6.3.

(a) All apportionments and adjustments shall be made as of 11:59 PM on the day immediately preceding the Closing Date.

(b) The following apportionments and adjustments shall be made:

(i) Real estate taxes, assessments and other governmental charges based on the fiscal year assessed, shall be prorated as of the date of Closing. If such real estate taxes, betterments assessments and other governmental charges have not been determined as of the Closing Date, such amounts shall be apportioned on the basis of the real estate taxes, betterments assessments and charges for the preceding fiscal year, with a reapportionment as soon as the new real estate taxes, bettterment's assessments and charges can be ascertained. The provisions of this clause (i) shall survive the closing.

(ii) Personal property taxes on the personal property owned by Donor, if any, including in the Property based on the fiscal year assessed shall be prorated as of the day of Closing.

(c) The real estate transfer tax imposed pursuant to said 36 M.R.S.A. § 4641-A shall be paid by Donor. The City is exempt from the real estate transfer tax imposed pursuant to said 36 M.R.S.A. § 4641-A.

(d) The City shall pay the premium for the owner and any loan title policies, and the cost for recording the Deed.

(e) Each party shall pay its own attorneys' fees.

(f) Heating Fuel in any tank on the Property at the time of Closing shall become the property of the City. If Closing occurs after September 1, 2023 and before March 1, 2024 the Donor shall drain all utilities to prevent freezing and secure the building in accordance with all State and local laws, regulations and ordinances to prevent access to the building.

ARTICLE VII
Default

Section 7.1. If the City shall default in performing its obligations hereunder prior to or at the Closing Date, and Donor shall have performed or tendered performance of its obligations hereunder, then Donor shall have the right, as its exclusive remedy, to either (i) terminate this Agreement by notice of termination to Donor, in which event the parties shall be relieved of any further liability or obligation hereunder, except with respect to those obligations that are expressly stated herein to survive the termination of this Agreement, or (ii) seek specific performance of this Agreement.

Section 7.2. If Donor shall default in performing its obligations hereunder prior to or at the Closing Date, and the City shall have performed or tendered performance of its obligations hereunder, then the City's sole remedy shall be to either (i) terminate this Agreement by notice of termination to Donor, in which event the parties shall be relieved of any further liability or obligation hereunder, except with respect to those obligations that are expressly stated herein to survive the termination of this Agreement, or (ii) seek specific performance of this Agreement.

ARTICLE VIII
Possession and Condition of Property

Section 8.1. Full possession of the Property, free and clear of all tenants and occupants is to be delivered at the time for delivery of the Deed, the Property to be then in reasonably clean condition, and otherwise in the same condition as they now are in, reasonable use and wear thereof excepted. The City shall be entitled personally to inspect the Property within 24 hours prior to the Closing Date in order to determine whether the condition thereof complies with the terms of this Section.

ARTICLE IX
Risk of Loss; Condemnation

Section 9.1. In the event that the building upon the Property is damaged by fire or other casualty or any portion of the Property is taken by condemnation prior to the Closing, the City may terminate this Agreement. If the City determines not to terminate this Agreement, the City may proceed to the Closing, in which event Donor will, at the Closing, deliver to the City all insurance benefits and condemnation awards stemming from such loss or condemnation received by Donor and will assign to the City Donor's rights to receive all of same, whichever is pertinent, and, to that end, Donor will cooperate with the City in the preparation of all statements of loss, provisions of loss, and such other documents as may be required by the pertinent insuring companies or condemning authority. In the event that the City, in the City's judgment, deems litigation to be necessary in pursuing the City's claim, Donor will further cooperate with the City, but all litigation shall be conducted at the City's expense. Donor will keep the Property insured against fire and extended risk in a sum not less than the purchase price through the Closing.

ARTICLE X
Miscellaneous

Section 10.1. Each notice or other communication required or permitted hereby shall be in writing and shall be (a) personally delivered, (b) sent by a reputable overnight delivery service, (c) sent by United States certified mail, return receipt requested, postage prepaid, addressed as set forth herein, or (d) sent by electronic mail.

(i) If to Donor:

Debra Sullivan, President
Sultan Corp.
PO Box 7065
Lewiston, Maine 04243-7065

With a copy to:
Daniel A. D'Auteuil, Jr.
Skelton, Taintor & Abbott
500 Canal Street
Lewiston, Maine 04240
ddauteuil@sta-law.com

(ii) If to the City:

City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

With a copy to:

Jeffrey B. Herbert, Esq.
JENSEN BAIRD
Ten Free Street
P.O. Box 4510
Portland, Maine 04112-4510
Email: jherbert@jensenbaird.com

Any notice or other communication given pursuant to the provisions of this Section 9.1 shall be deemed effective upon receipt by the addressee or upon the date receipt is refused. Either party may, by notice given as aforesaid, designate other addresses to which or addressees to whom notices shall be given.

Section 10.2. The submission of this Agreement or a summary of some or all of its provisions does not constitute an offer to donate or accept the Property, it being understood and agreed that neither Donor nor the City shall be legally obligated with respect to a conveyance of the Property unless and until this Agreement has been executed by both Donor and the City and a fully executed original or electronic copy has been delivered to both pursuant to the provisions of Section 9.1. Electronic signatures shall be effective for all purposes in connection with interpretation and enforcement of this Agreement. Amendments to this Agreement may be effectuated by counsel for the parties, respectively.

Section 10.3. The delivery of the Deed by Donor, and the acceptance thereof by the City, shall be deemed the full performance and discharge of every obligation on the part of Donor to be performed hereunder, except those obligations of Donor which are expressly stated in this Agreement to survive the Closing.

Section 10.4. The City may assign its interest under this Agreement without the prior written consent of Donor. In the event of any such assignment, Donor agrees to close the transaction contemplated by this Agreement with the approved assignee of the City.

Section 10.5. Except as otherwise expressly stated in this Agreement, the Property is being conveyed by Donor and accepted by the City in "as is" condition and without warranty or representation of any kind, express or implied. No warranties, guaranties or representations of any kind are made by Donor or Donor's agent with respect to the acreage, location and/or boundaries of the Property or improvements thereon, access to the Property, environmental compliance, or its compliance with any applicable zoning or land use regulations, law, or ordinances.

Section 10.6. This Agreement embodies and constitutes the entire understanding between the parties with regard to the transaction contemplated herein, and all prior agreements, understandings, representations and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be waived, modified, amended or terminated except by an instrument in writing signed by the party against whom the enforcement of such waiver, modification, amendment or termination is sought.

Section 10.7. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity and enforcement of the remaining provisions hereof.

Section 10.8. Any time period provided for in this Agreement that ends on a Saturday, Sunday or legal holiday shall extend to 5:00 p.m. (EST) on the next business day. In determining the expiration date of any time period measured from the Effective Date, the Effective Date shall not be included in that time period.

Section 10.9. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original instrument, but all of which together shall constitute one and the same instrument. To facilitate execution of this Agreement, the parties may execute and exchange by telephone facsimile or email counterparts of the signature pages.

Section 10.10. This Agreement shall be binding upon and shall inure to the benefit of Donor and the City, and their respective successors and permitted assigns.

Section 10.11. Time shall be of the essence with respect to each and every obligation under this Agreement.

Section 10.12. Each party represents to the other that no real estate broker has been retained by the parties. Each party will defend and hold the other harmless from claims arising contrary to the party's said representations.

Section 10.13. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Maine.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the date(s) set forth below.

DONOR: Sultan Corp.

_____
Witness:

By:_____
Print Name: Debra Sullivan
Title: President

Dated: _____, 2023

DONEE: City of Auburn

_____
Witness:

By:_____
Print Name: Philip L. Crowell, Jr.
Title: City Manager

Dated: _____, 2023

ORDER 73-06052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute a donation agreement with Sultan Corporation for the donation of 7 Chestnut Street (Auburn Tax Parcel 250-335).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet
June 5, 2023

Council Meeting Date: June, 5, 2023 **Orders:** 74-06052023 through 85-06052023

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of City-Owned Properties

Information: The City of Auburn Economic Development Department seeks approval for the City Manager to execute the sale of city-owned properties through Bill Bergeron with Fontaine Family Realty.

City Budgetary Impacts: None

Staff Recommended Action: Approve the order as presented.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: List of properties

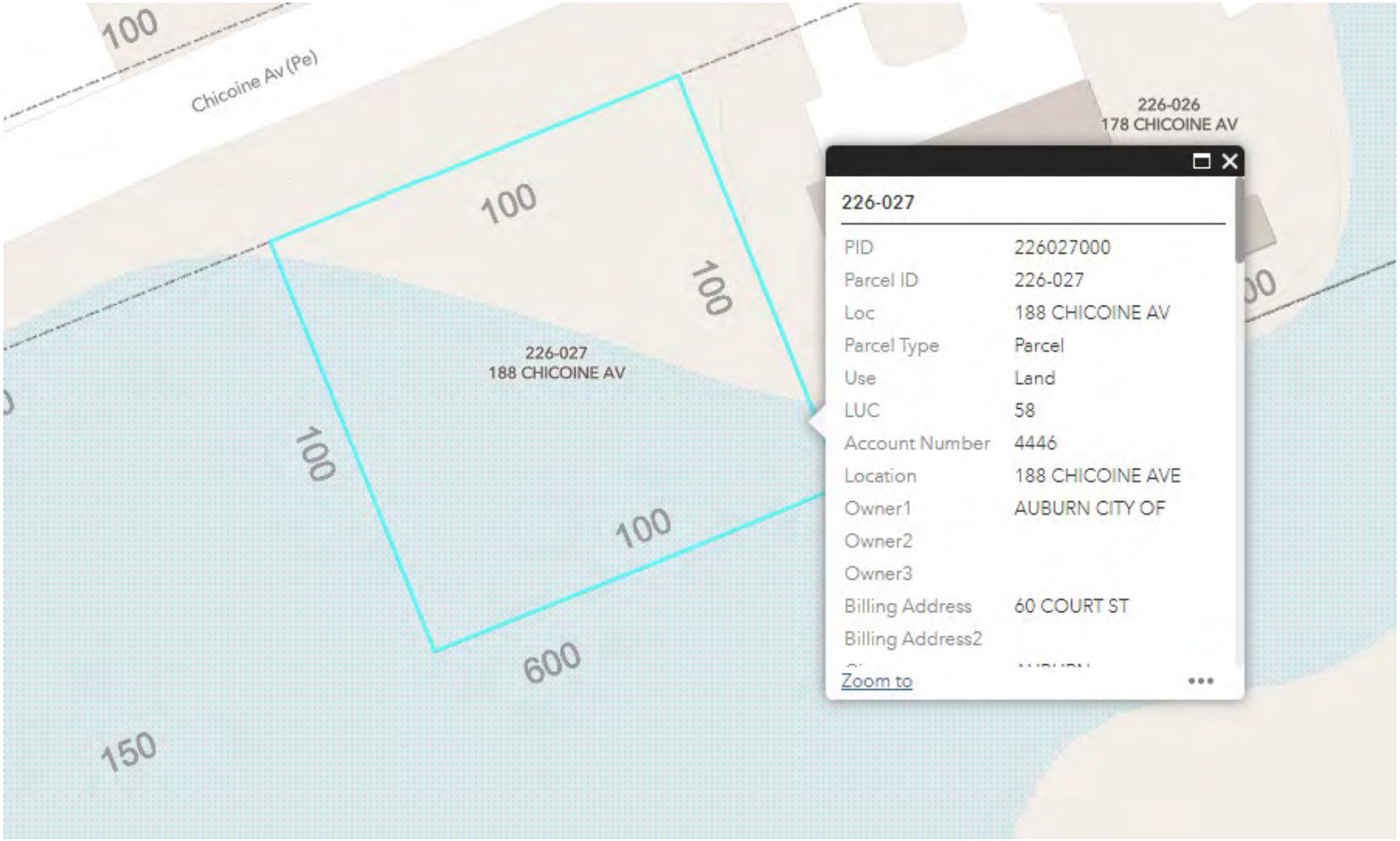
City of Auburn
Proposed Sale of City-Owned Properties
City Council Meeting June 5, 2023

Jay Brenchick, Director of Economic Development

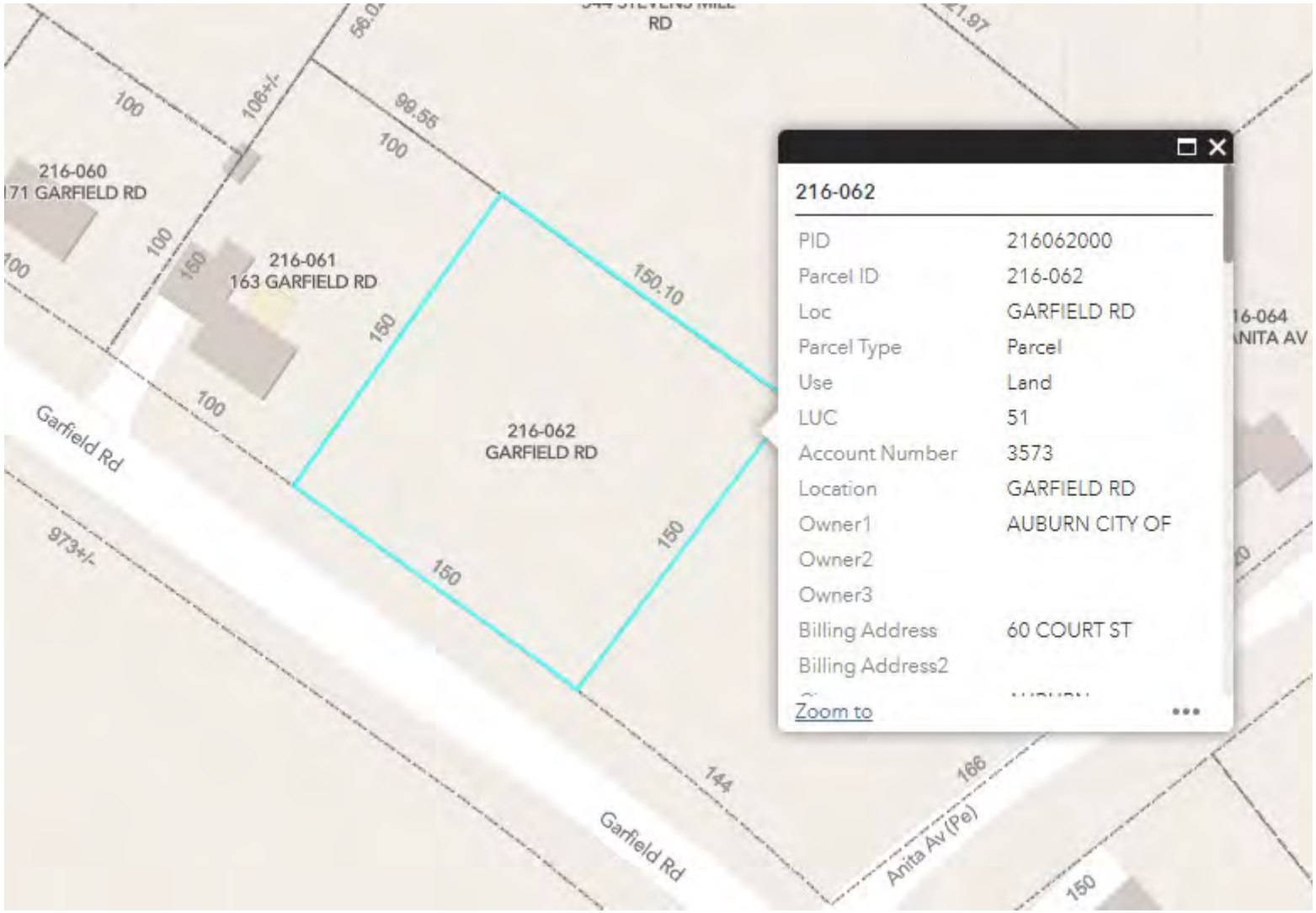
Subject: The City of Auburn Economic Development Department seeks approval for the City Manager to execute the sale of city-owned properties below through Bill Bergeron with Fontaine Family Realty.

Address	Description
188 Chicoine Avenue	Parcel ID: 226-027
Garfield Road	Parcel ID: 216-062
126 Goff Street	Parcel ID: 250-382
140 Northern Avenue	Parcel ID: 271-080-011
Smith Street	Parcel ID: 198-063
South Witham Road	Parcel ID: 161-009
Union Street	Parcel ID: 240-169
18 Western Prom	Parcel ID: 250-383
59 Willard Road	Parcel ID: 266-045
192 Winter Street	Parcel ID: 260-022
86 Western Ave	Parcel ID: 230-026

188 Chicoine Ave.
.23 +/- acres
Zoned: Urban Residential

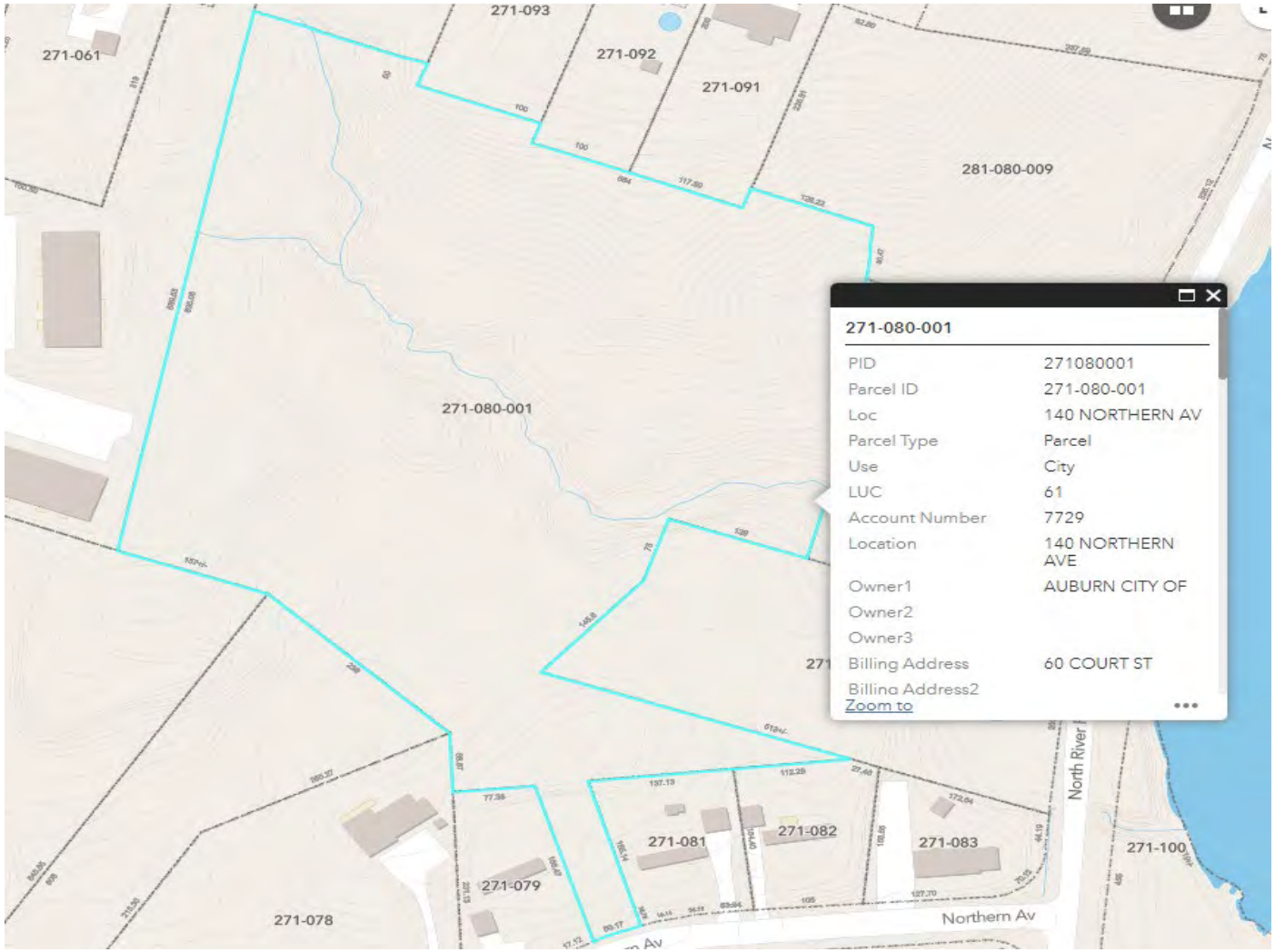


Garfield Rd
.52 Acres +/-
Zoned: Suburban Residential

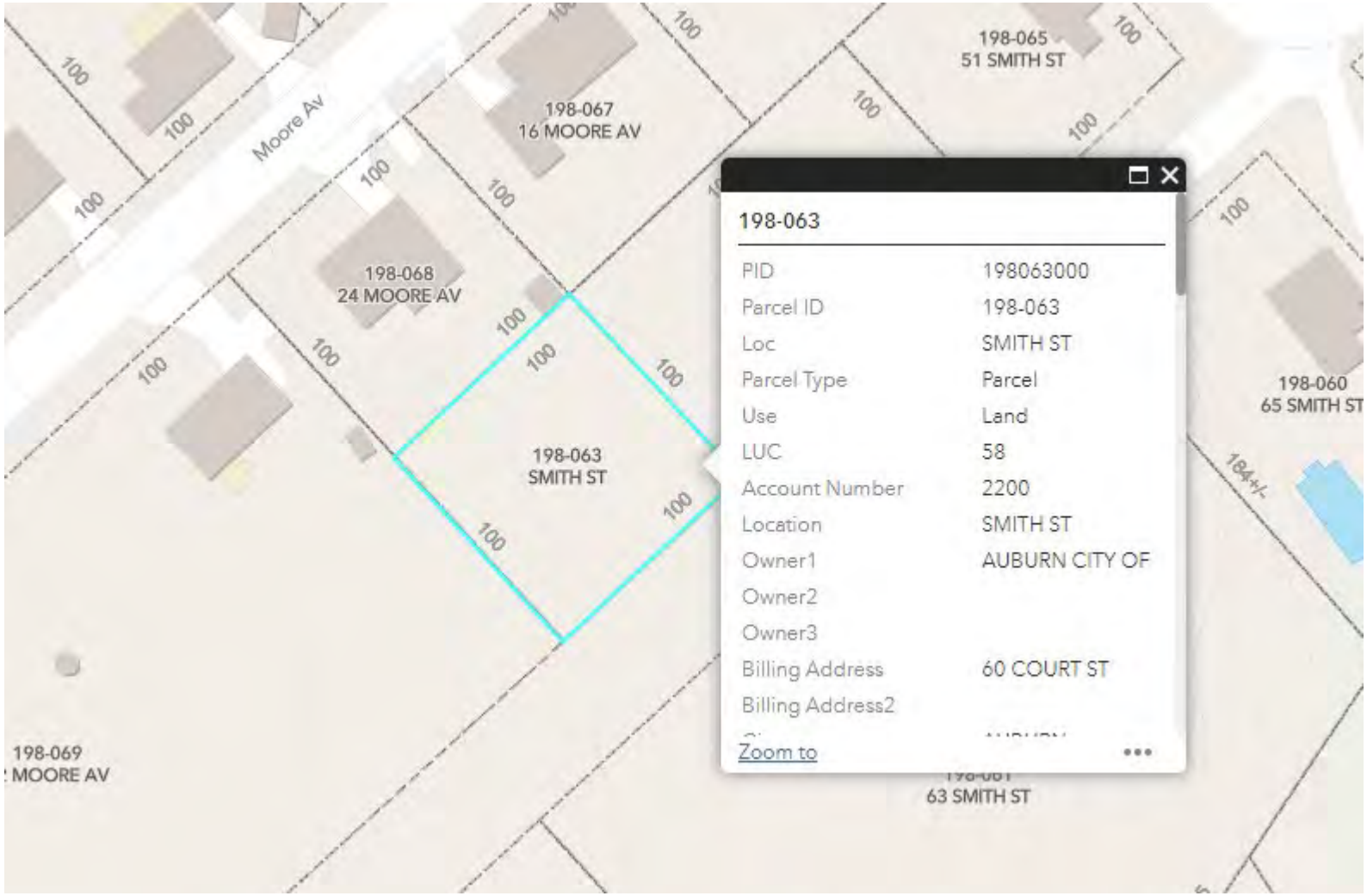


126 Goff Street
.15 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)

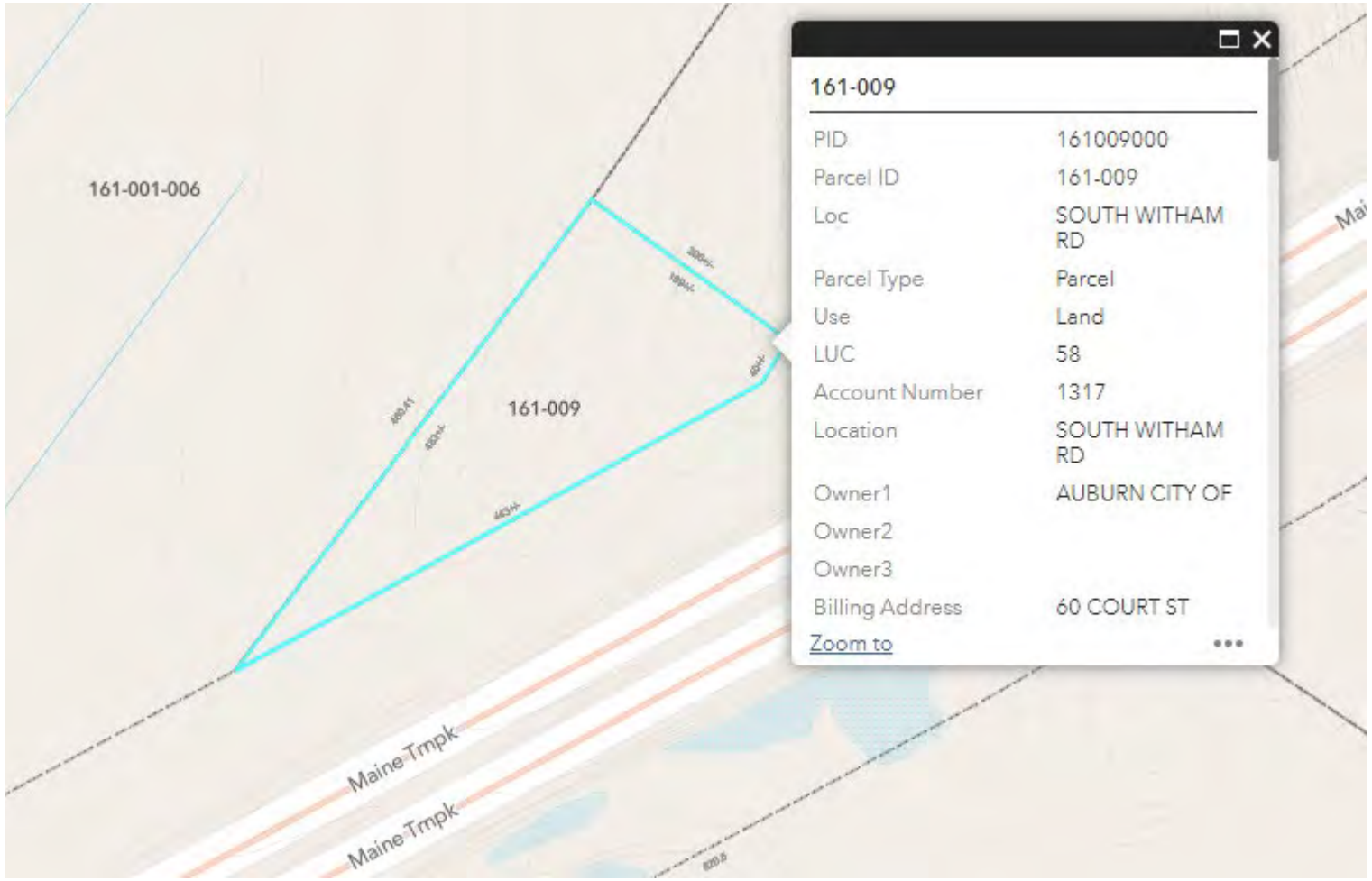
140 Northern Avenue
9.21 Acres +/-
Zoned: Multi-Family Suburban



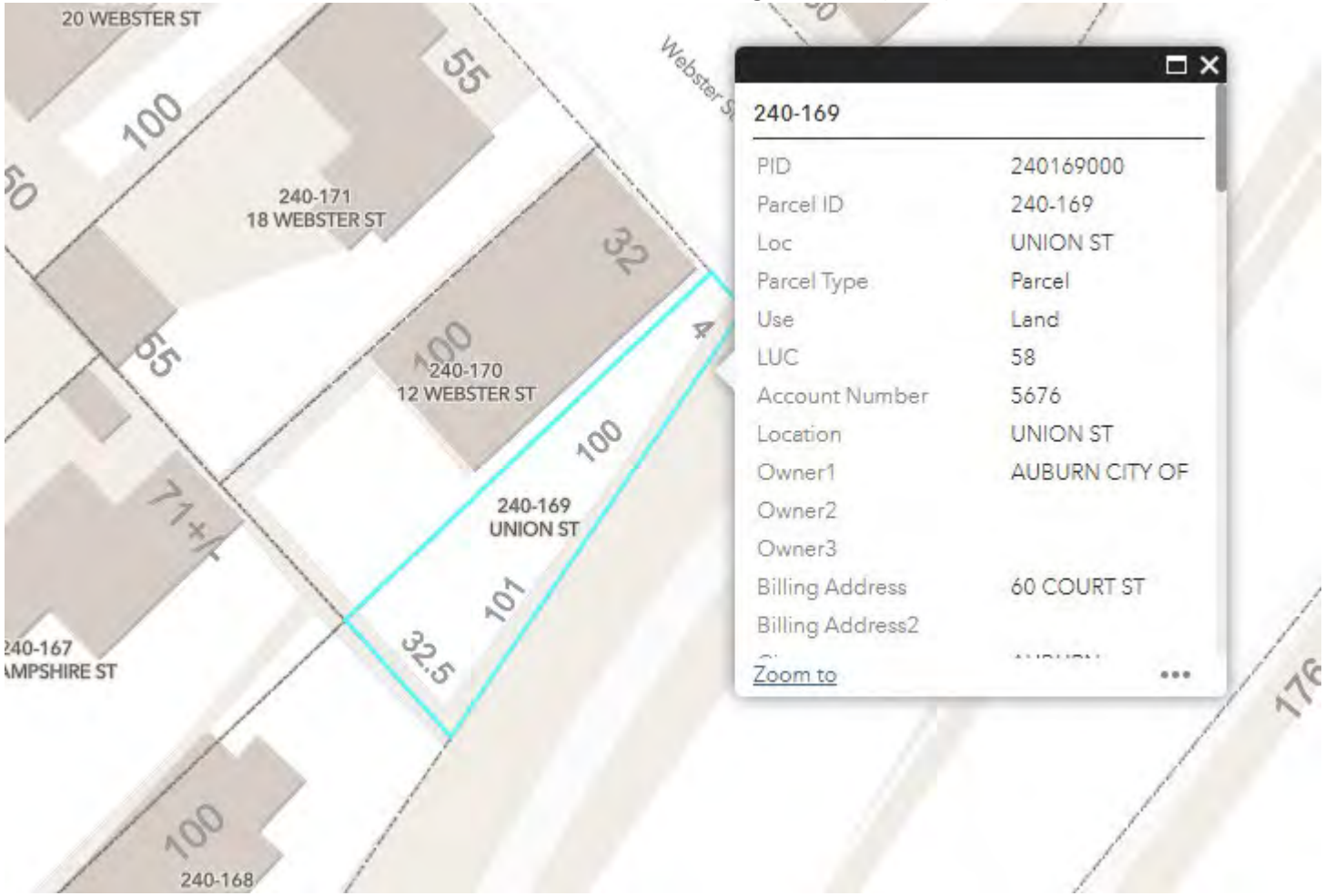
Smith Street
.23 Acres +/-
Zoned: Suburban Residential



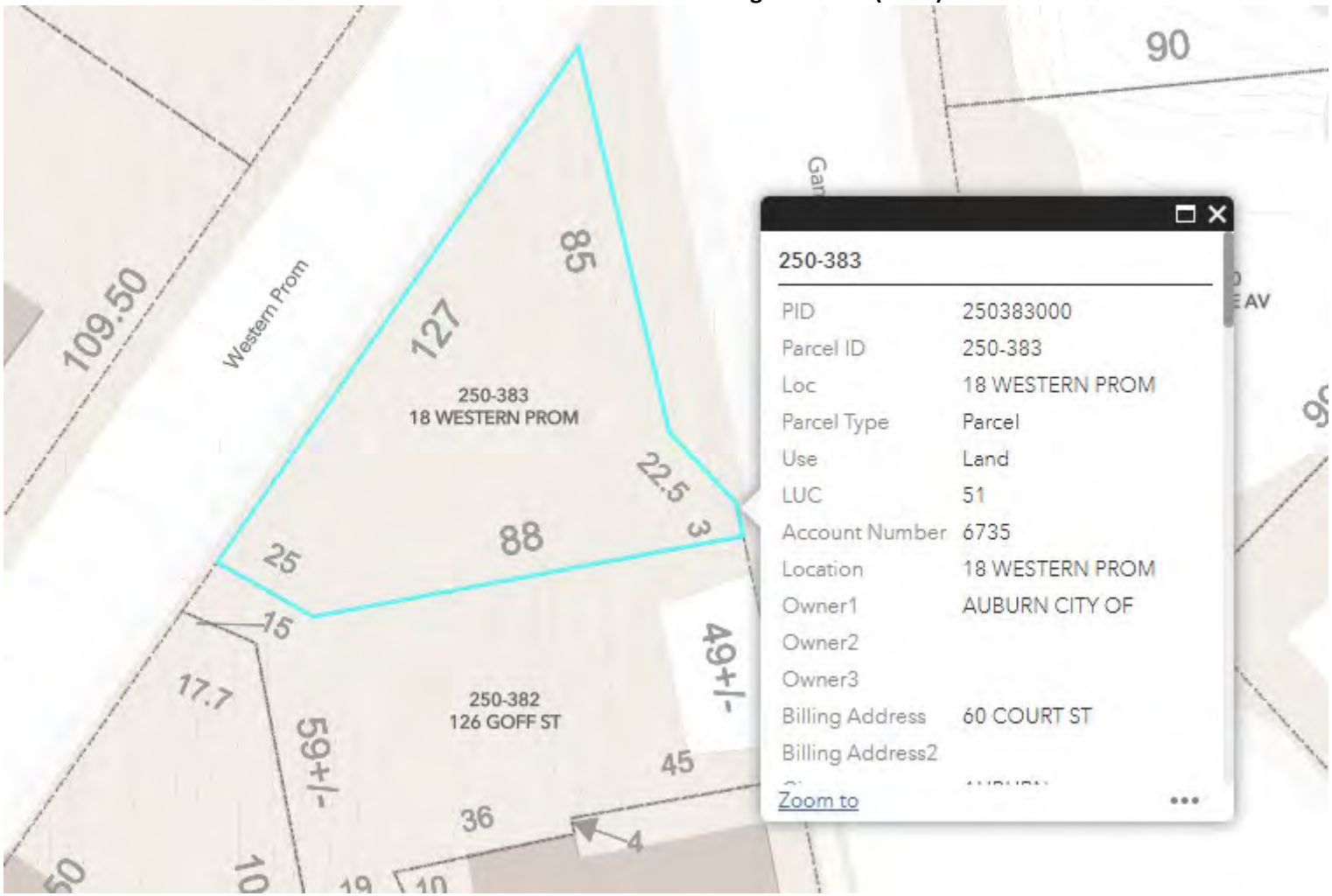
South Witham Road
1.06 Acres +/-
Zoned: Low Density Country Residential



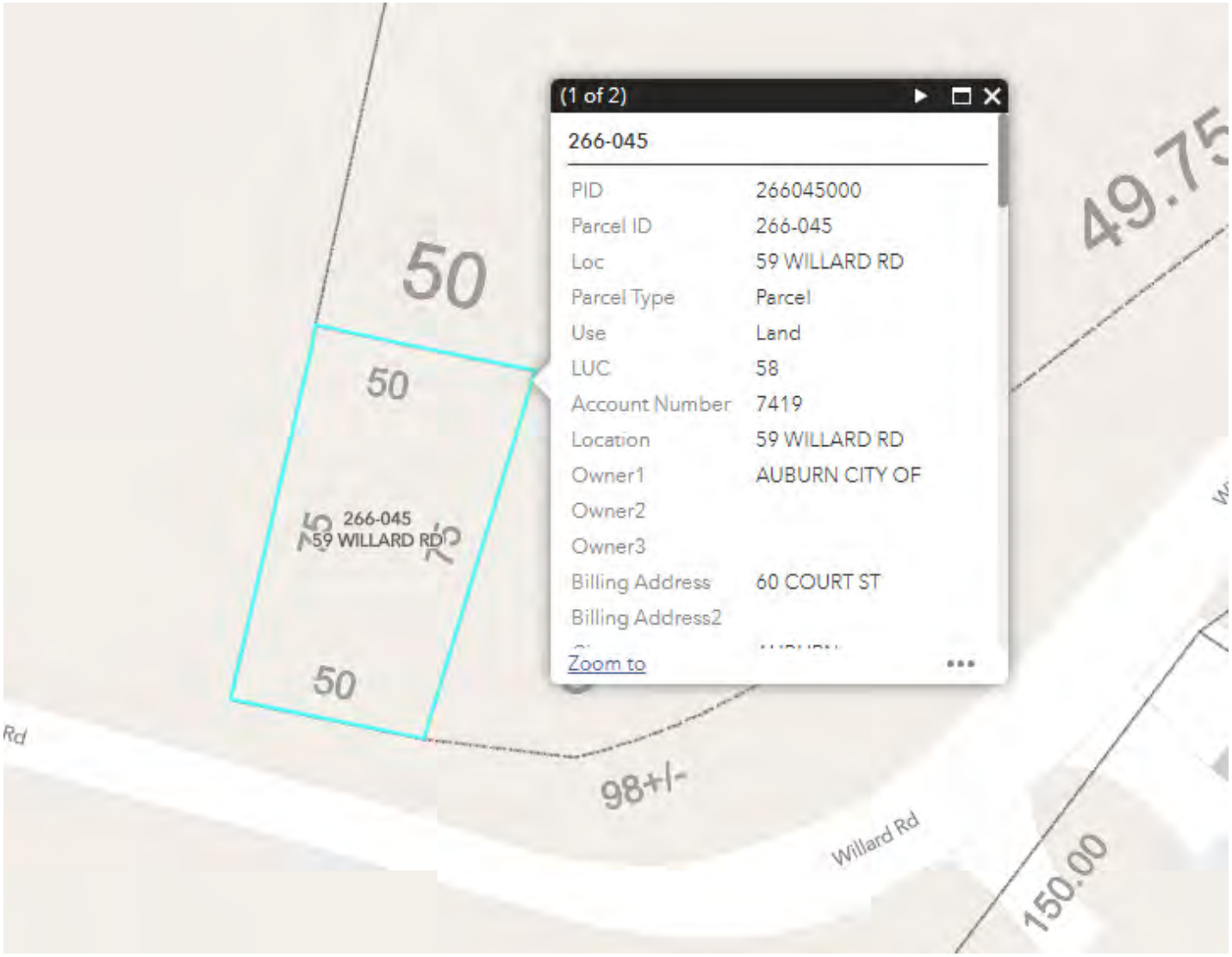
Union Street
.02 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)



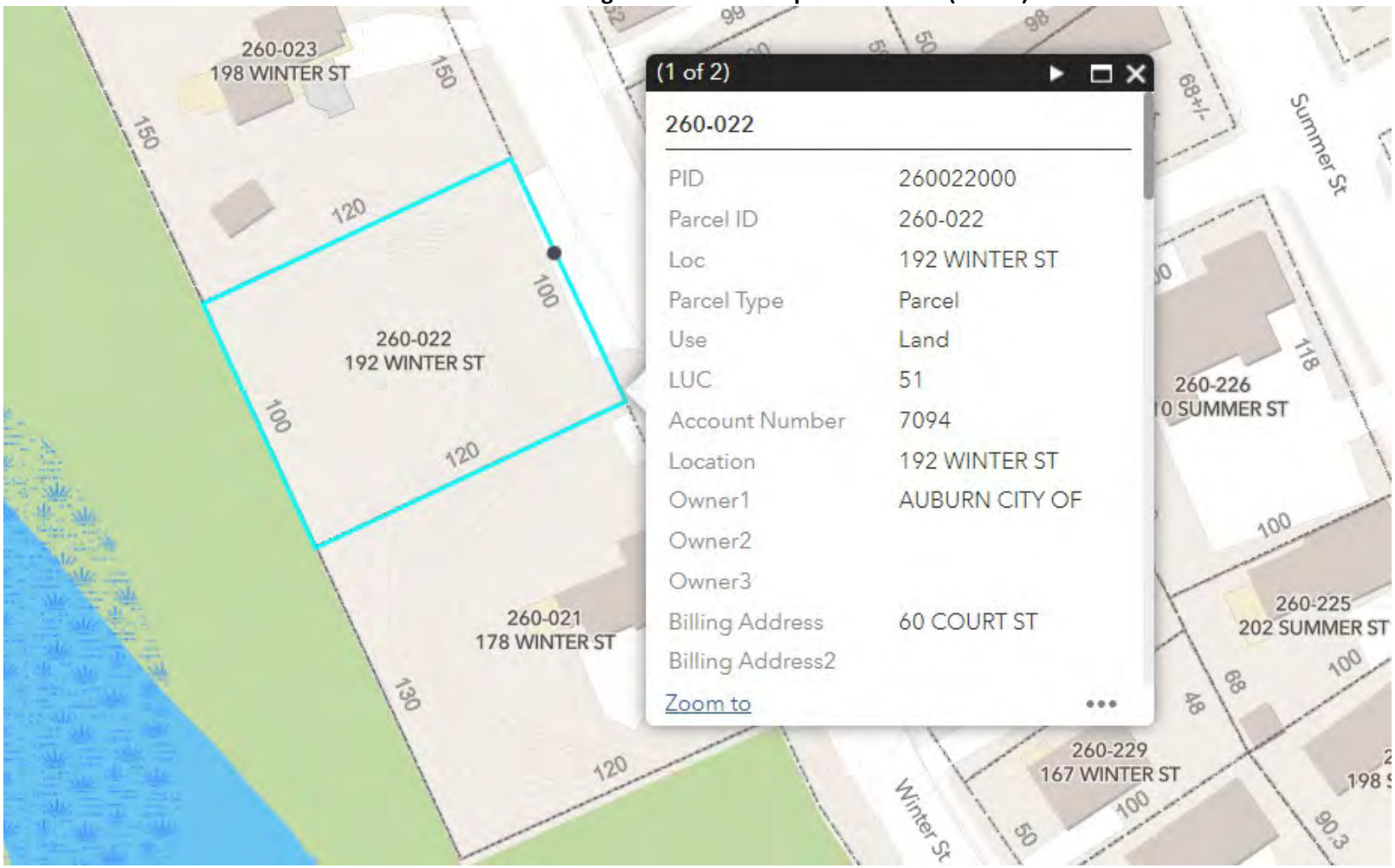
18 Western Prom
.12 Acres +/-
Zoned: Traditional Downtown Neighborhood (T-4.2)



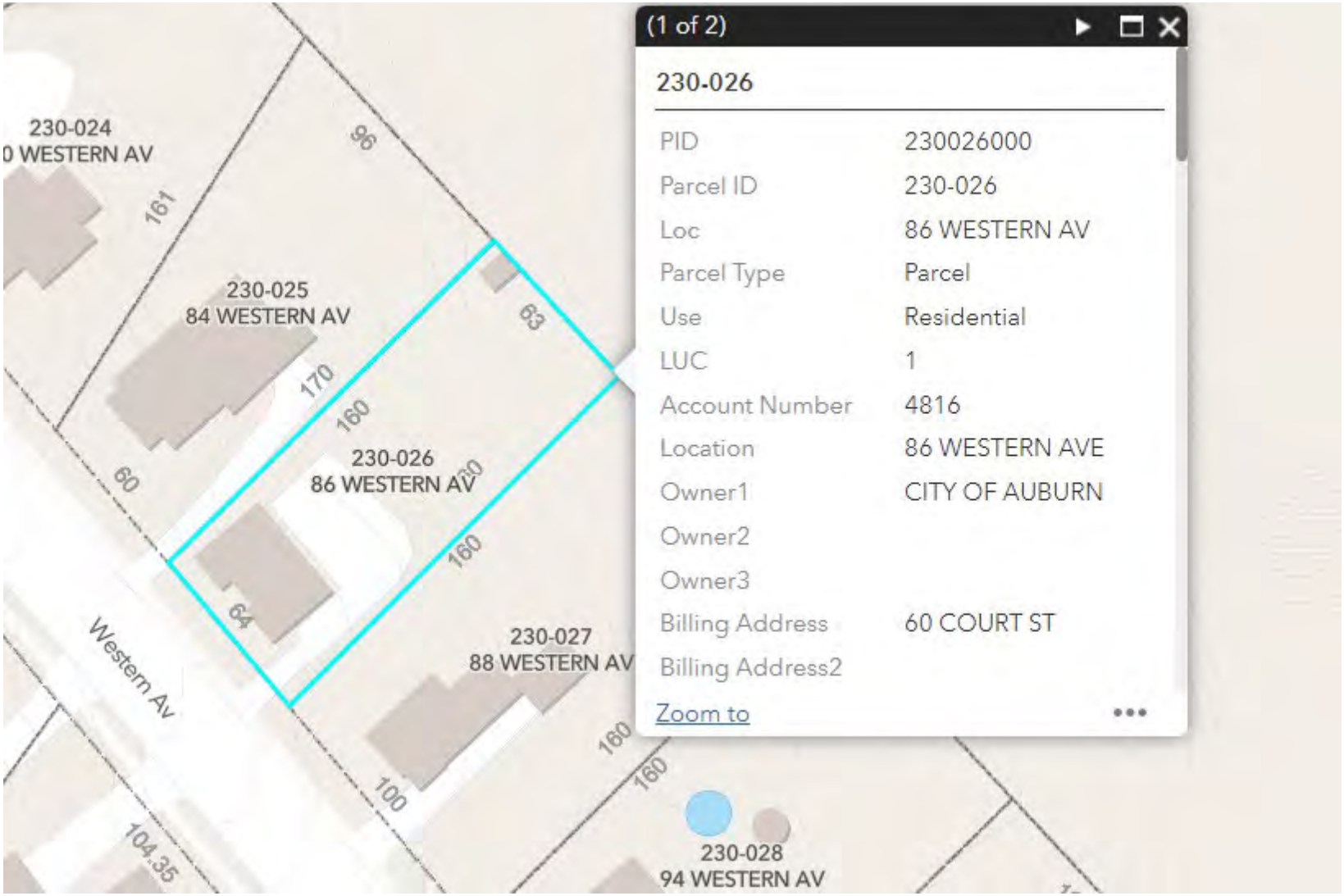
Willard Road
.09 Acres +/-
Zoned: Rural Residential



192 Winter Street
.28 Acres +/-
Zoned: Traditional Neighborhood Development District (T-4.2B)



86 Western Ave
.23 Acres +/-
Zoned: Traditional Neighborhood Development District (T-4.2B)



ORDER 74-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of 188 Chicoine Avenue, Parcel ID 226-027 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 75-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of Garfield Road, Parcel ID 216-062 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 76-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of 126 Goff Street, Parcel ID 250-382 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 77-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of 140 Northern Avenue, Parcel ID 271-080-001 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 78-06052023

City Council Order

IN CITY COUNCIL

ORDERED the City Council hereby authorizes the City Manager to execute the sale of Smith Street, Parcel ID 198-063 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 79-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of South Witham Road, Parcel ID 161-009 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 80-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of Union Street, Parcel ID 240-169 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 81-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of 18 Western Prom, Parcel ID 250-383 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 82-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of 59 Willard Road, Parcel ID 266-045 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 83-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of 192 Winter Street, Parcel ID 260-022 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 84-06052023

City Council Order

IN CITY COUNCIL

ORDERED, the City Council hereby authorizes the City Manager to execute the sale of 86 Western Ave, Parcel ID 230-026 (city-owned property) through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023 **Ordinance:** 05-06052023

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed amendment to Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places)

Information: Staff is recommending the following amendment to Appendix A to the Code of Ordinances, City of Auburn, Maine – Fees and Charges (Streets, Sidewalks, and other Public Places).

Excavation/Street O~~e~~pening Permits—per square foot*:

Newly constructed, reconstructed or repaved street ….. 6.00

Paved streets ….. 5.00

Gravel streets and shoulders ….. 3.00

Construction areas (streets scheduled for full-depth construction ….. 5.00

**Applicability Date*: Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of first reading.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDINANCE 05-06052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places)

Be it ordained, that the City Council hereby amends Appendix A to the Code of Ordinances, City of Auburn, Maine – Fees and Charges (Streets, Sidewalks, and other Public Places) as follows:

Streets, Sidewalks and Other Public Places

Display of goods permit—each ….. 0.00

~~Excavation permits:~~

~~Minimum charge—single continuous work area ….. 10.00~~

~~Maximum charge — single continuous work area ….. 500.00~~

Excavation/Street O~~o~~pening Permits—per square foot*:

Newly constructed, reconstructed or repaved street ….. 6.00

Paved streets ….. 5.00

Gravel streets and shoulders ….. 3.00

Construction areas (streets scheduled for full-depth construction ….. 5.00

**Applicability Date*: Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.

Sidewalk openings—per square foot:

Concrete, brick, bituminous ….. 1.50

Other openings:

1.00 for all other materials

Entrance permit—each ….. 20.00

Private property ….. N/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements ….. 2%

Private streets—as percentage of estimated costs of required public-type improvements ….. 2%

Special exceptions—the greater of:

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

Minimum ….. 200.00

Percentage of public type improvements ….. 2%

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 5, 2023

Subject: Executive Session

Information: Personnel matter (City Manager's evaluation), pursuant to 1 M.R.S.A. Section 405(6) (A).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Workshop & Meeting
Agenda
June 20, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Eminent Domain Procedure – Glen Holmes
B. Citywide program update mailing – Glen Holmes
C. Lake Grove Park – Phil Crowell
D. Executive Session – Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Milks

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 85-06202023*
Re-appointing Jane Costlow to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2026.

2. Order 86-06202023*
Confirming Chief Moen's appointment of George Monteith and Dustin Pepin as Constable with firearm and arrest powers for the Auburn Police Department.

3. Order 87-06202023*
Cancelling the Regular City Council meeting scheduled for Monday, July 3, 2023.

II. Minutes – June 5, 2023, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Communication - Opioid Update
- Proclamation – World Refugee Day
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 05-06052023
Amending Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places). Public hearing and second reading.

VI. New Business

1. Order 88-06202023
Authorizing the use of $102,000 in ARPA (American Rescue Plan Act) funds for the Third Space Incentive Program.

2. Order 89-06202023
Approving the Mass Gathering for the Liberty Festival. Public hearing and vote.

3. Public hearing – Agren Warehouse Tax Increment Financing (TIF) District #28.

4. Order 90-06202023
Approving the Agren Warehouse TIF (Tax Increment Financing) #28 Agreement.

5. Ordinance 06-06202023
Amending the Auburn Code of Ordinances, DIV. 12, General Business, Sec 60-500 (2). First reading

6. Ordinance 07-06202023
Amending the Auburn Code of Ordinances, DIV. 13, General Business II, Sec 60-526 (2). First reading.

7. Ordinance 08-06202023
Amending the Auburn Code of Ordinances, DIV 15, Industrial Zoning District, Sec 60-579 (2). First reading.

8. Ordinance 09-06202023
Amending the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban. First reading.

9. Ordinance 10-06202023
Amending the Code of Ordinances, Definitions and Agriculture and Resource Protection District text of Chapter 60, Zoning as shown in Proposal B (attached). First reading.

10. Order 91-06202023
Directing the Planning Board to hold a public hearing and recommend additional changes to Proposal B, Article IV District Regulations, Division 2 Agriculture and Resource Protection District as recommended by the Planning Board.

11. Order 92-06202023
Authorizing the City Manager and/or his designee to execute the final purchase and sale agreement for tax map 211, lot 288 for Fire Engine 2 replacement.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. Jill Eastman, Finance Director – May 2023 Finance Report

IX. Executive Sessions – Labor negotiations (MSEA), pursuant to 1 M.R.S.A. §405(6)(D) with possible action to follow.

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Eminent Domain Process

Information: The Business & Community Development department was asked to provide an overview of the eminent domain process.

City Budgetary Impacts: None

Staff Recommended Action: N/A

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: ARPA Program Information and Communication Format

Information: The Business & Community Development department is seeking clarity on a pervious request for disseminating program information.

City Budgetary Impacts: None

Staff Recommended Action: N/A

Previous Meetings and History: 6/5/23 – Council discussion on marketing ARPA programs.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023

Author: Phil Crowell, City Manager

Subject: Lake Grove Park

Information: On December 6, 2021, the City Council allocated $150,000. of American Rescue Plan Act (ARPA) funds for upgrades at Lake Grove Park that might include new restrooms, wheelchair access, a boat dock, a fountain system, and improvements to the basketball court and parking areas. Having the opportunity to resume swimming at the beach was a high priority.

Based on City Council vision for this area, a conceptual Lake Grove Master Plan has been developed.

Completed and in-progress upgrades at Lake Grove Park include: New playground equipment funded through CIP funds; 3 new pedal boats and life jackets funded through a National Parks & Recreation Association grant; and a new dock system funded through ARPA funds. The Auburn School Department has donated canoes to be utilized at the park. Additionally, CIP funds are being used to upgrade the tennis and pickle ball courts at East Auburn Community School.

The new playground equipment has been a big attraction for not only City of Auburn residents but also for neighboring communities. We are reviewing plans to add 18 parking spaces to accommodate the increase in use.

The Lake Grove Master Plan, which could include a splash pad and other amenities, will create a true "destination" for the East Auburn area.

City Budgetary Impacts: None

Staff Recommended Action: Review Lake Grove Park Master Plan and make recommendations for future funding.

Previous Meetings and History: December 6, 2021

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Lake Grove Park Master Plan

LAKE GROVE PARK MASTER PLAN

LAKE AUBURN

FUTURE VENDOR PATIO

FUTURE ADIRONDACK CHAIRS

24 SPACES
2 HVA SPACES

SPLASH PAD

SWINGS

2-5 PLAY

5-12 PLAY

BASKETBALL

FUTURE PARK PROGRAM

GAZEBO EVENT LAWN SEATING

FUTURE PARKING
12 SPACES

0 50FT 100FT

SUMMER 2023 ELEMENTS

01. Concession Stand (Paint, New Doors, Roof)
02. ADA Accessible Walkway to Playground & Dock
03. Carry-In/Carry-Out Floating Launch
04. Kayaks & Canoes Storage
05. Community Dock
06. IT - Cameras
07. Fencing with Electric Gate
08. Message Board at Park
09. Signage (At Your Own Risk, Hours Open, etc.)
10. OP Box (From Festival Plaza to Lake Grove)
11. Picnic Tables (6 ADA Compliant)

FALL 2023 ELEMENTS

12. Additional Parking (Water District Easement & construction)

SPRING 2024 ELEMENTS

13. New bathrooms
14. Splash Pad
15. New Water Line (Water Service & Meter)
16. New Sewer Line (Connection & Drain)
17. New Electricity
18. Basketball Court
19. Landscape (Park Entrance/Fountain Area, Parking Area, Shoreline, etc.)
20. Gazebo
21. Fountain (Installation & Connection)

ADDITIONAL FUTURE ELEMENTS

22. Vendor Patio (Tables, Lounge Furniture, Strung Lights, Lawn Games, etc.)
23. Future Park Program (Beach Volleyball, Bocce Ball, etc.)
24. Dam Booms with Signage for Boaters
25. Adirondack Chairs
26. EV Charging Stations

auburnmaine.gov

Woodard & Curran

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Order:** 85-06202023

Author: Sue Clements-Dallaire, City Clerk

Subject: Re-appointing Jane Costlow to the Sustainability & Natural Resource Management Board (SNRB)

Information: Jane was originally appointed in March of 2022 with a term expiration of 4/1/2023. The standing working groups on agriculture, conservation, the community forest, and sustainability nominate one representative each for approval by the council. The Conservation Working Group has nominated Jane Costlow to serve another term (term expiration 4/1/2026).

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to approve the appointment as nominated by the Conservation Working Group.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 85-06202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Jane Costlow to the Sustainability and Natural Resource Management Board with a term expiration of 4/1/2026.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Order:** 86-06202023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of George Monteith and Dustin Pepin as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests the City Council appointment of George Monteith and Dustin Pepin as Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of George Monteith and Dustin Pepin as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
N/A

ORDER 86-06202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints George Monteith and Dustin Pepin as Constables with firearm/arrest powers for the Auburn Police Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Order:** 87-06202023

Author: Sue Clements-Dallaire, City Clerk

Subject: Cancelling the Regular City Council meeting scheduled for Monday, July 3, 2023

Information: This item is to consider cancelling the Regular City Council meeting that is scheduled for Monday, July 3, 2023, the evening before the Fourth of July holiday.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 87-06202023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the cancellation of the Regular City Council meeting that is scheduled for Monday, July 3, 2023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING JUNE 5, 2023, VOL. 37 PAGE 47

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 71-06052023***
Appointing Wardens and Ward Clerks for the June 13, 2023 Election.

2. **Order 72-06052023***
Confirming Mayor Levesque's appointment of Councilor Rick Whiting to the Airport Board.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage of the two consent items.

Passage 7-0.

II. Minutes

May 15, 2023 Special Joint Meeting (Lewiston and Auburn City Councils)

Motion was made by Councilor Walker and seconded by Councilor Morin to approve the minutes of the May 15, 2023 Special Joint Meeting (Lewiston and Auburn City Councils).

Passage 7-0.

May 15, 2023, Regular Council Meeting

Motion was made by Councilor Milks and seconded by Councilor Walker to approve the minutes of the May 15, 2023 Regular Council Meeting.

Passage 7-0.

I. **Communications, Presentations and Recognitions**

Council Communications (about and to the community)

Councilor Staples commented on the elimination of the recycling program and has recommended to everyone that has reached out to him to reach out to the Sustainability and Natural Resource Management Board who will be meeting to discuss this topic.

Councilor Milks added to Councilor Staples' recycling conversation, stating that when people are asking why the program was eliminated, it is primarily because it wasn't really "recycling" and it was not achieving the goal of the program and was being landfilled and not cost effective.

City Manager Crowell reported that Cassella has invited elected officials to visit their facility to look at their single stream operation.

Mayor Levesque reported on the Victory Garden program, the LA Chamber of Commerce Awards event that will be held at the Poland Spring Inn on; June 15 at 3pm; the work being done at the Garfield Road ballfields by the National Guard; the ELHS graduation that was held on Saturday night; and the Adult Ed graduation is coming up on June 8th at the ELHS gym.

II. Open Session – No one from the public spoke.

III. Unfinished Business

1. Order 59-05012023
Modifying the Auburn-Lewiston Airport Interlocal Agreement.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment – Mark Blais, Airport Board member, does not feel it is a conflict of interest for a pilot to serve on the board, adding that it is a bad message to send to the pilots.

Motion was made by Councilor Gerry and seconded by Councilor Walker to amend to include a Councilor from the City of Lewiston, a councilor from the City of Auburn and two ex officio members appointed by the board.

Passage 7-0.

Passage of Order 59-05012023 as amended 7-0.

IV. New Business

1. Order 73-06052023
Authorizing the City Manager to execute a donation agreement with Sultan Corporation for the donation of 7 Chestnut Street (Auburn Tax Parcel 250-335).

Motion was made by Councilor Milks and seconded by Councilor Gerry for passage.

Public comment – No one from the public spoke.

Passage 7-0.

2. Order 74-06052023

Authorizing the City Manager to execute the sale of 188 Chicoine Avenue through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Milks and seconded by Councilor Walker for passage.

Public comment – Andy Titus, 24 Rubelite Lane, noted that his concern is regarding the realtor that already has signs posted, adding that he feels it is an unfair advantage.

Scott Berry, 179 Davis Avenue, stated that he had a client that wanted to look at one of the properties but was unable to get in because of unsafe conditions.

Passage 7-0.

3. **Order 75-06052023**
Authorizing the City Manager to execute the sale of Garfield Road (parcel ID 216-062) through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage.

Public comment - No one from the public spoke.

Passage 7-0.

4. **Order 76-06052023**
Authorizing the City Manager to execute the sale of 126 Goff Street through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Whiting and seconded by Councilor Walker for passage.

Public comment - No one from the public spoke.

Passage 7-0.

5. **Order 77-06052023**
Authorizing the City Manager to execute the sale of 140 Northern Avenue through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Walker and seconded by Councilor Morin for passage.

Public comment - No one from the public spoke.

Passage 7-0.

6. **Order 78-06052023**
Authorizing the City Manager to execute the sale of Smith Street (parcel ID 198-063) through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Milks and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

7. **Order 79-06052023**
Authorizing the City Manager to execute the sale of South Witham Road (parcel ID 161-009) through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

8. **Order 80-06052023**
Authorizing the City Manager to execute the sale of Union Street (parcel ID 240-169) through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

9. **Order 81-06052023**
Authorizing the City Manager to execute the sale of 18 Western Prom through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Milks and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0.

10. **Order 82-06052023**
Authorizing the City Manager to execute the sale of 59 Willard Road through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

11. **Order 83-06052023**

Authorizing the City Manager to execute the sale of 192 Winter Street through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 7-0.

12. Order 84-06052023
Authorizing the City Manager to execute the sale of 86 Western Avenue through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Whiting and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0.

13. Ordinance 05-06052023
Amending Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places). First reading.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 7-0. A roll call vote was taken.

V. Open Session –

Zachary Vickers, 185 Sixth Street, regarding the elimination of the recycling program adding that he feels this is a large step backwards and not the best decision.

Scott Berry, 179 Western Avenue provided handouts to the Council. He said he filed a complaint with HUD against the City's 30% rule in our ordinance stating he feels that it is discriminatory. He also requested that Council carefully deliberate on the capital improvement ordinance and proposed including fees as part of the ordinance.

Katherine Manson, Goff Street commented on the elimination of the recycling program and how it will impact our children and grandchildren.

VI. Reports (from sub-committees to Council)

Mayor Levesque commented on recycling, and the dual enrollment pilot program between ELHS and Central Maine Community College.

Councilor Staples reminded everyone about the upcoming election scheduled for next Tuesday, June 13th and encouraged members of the public to vote.

Mayor Levesque spoke on the remediation bond referendum.

IX. Executive Session – Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Hawes and seconded by Councilor Moring to enter into executive session to discuss an economic development matter, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Passage 7-0.

Time 7:48 pm.

Council was declared out of executive session at 8:10 pm.

Executive Session – Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor Milks and seconded by Councilor Walker to enter into executive session to discuss a personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

Passage 7-0.

Time 8:10 pm.

Council was declared out of executive session at 8:15 pm.

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Gerry to adjourn. Unanimously approved and the meeting adjourned at 8:15 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

Auburn Police Department

Jason D. Moen | Chief of Police
Timothy A. Cougle | Deputy Chief of Police
www.auburnmaine.gov | 207.333.6650
60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: June 14, 2023

To: Phillip L. Crowell Jr. City Manager

From: Chief Jason D. Moen

RE: COUNCIL OPIOID UPDATE

As requested by Mayor Levesque, here are the current calendar year to date statistics on Auburn's Opioid Epidemic. Moving forward, the data shared will be updated since the previous council update.

Total Overdoses

YTD 2022: 37

YTD 2023: 44

NARCAN Doses Administered by PD (note that civilian use of Narcan has increased significantly in the last year, leading to our use going down)

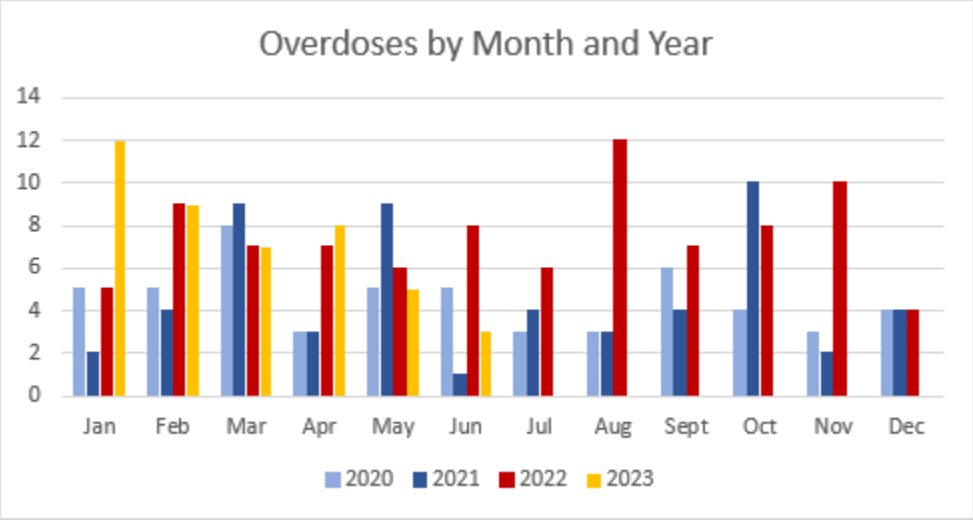
YTD 2022: 35

YTD 2023: 28

FATAL Overdoses

YTD 2022: 2

YTD 2023: 4



WORLD REFUGEE DAY PROCLAMATION

WHEREAS, The World Refugee Day was launched by the United Nation to honor the bravery, strength and determination of refugees fleeing war and persecution; and

WHEREAS, refugees in communities across the welcoming state of Maine resettle in the hope of finding peace and safety for themselves and their families; and

WHEREAS, refugee communities from diverse backgrounds, with a variety of skills, abilities and experiences, have been and continue to be woven in the fabric of Maine's vibrant cultural tapestry throughout our states 200 year history; and

WHEREAS, refugee-led organizations in Maine share in the priority of our state to strengthen communities by engaging with and improving the lives of all Mainers; and

WHEREAS, all of Maine's communities are hoping to stay strong together as we recover from a time of uncertainty, reminiscent of experiences in the diaspora.

NOW, THEREFORE, I, Jason Levesque, Mayor of Auburn, do hereby proclaim June 20, 2023 to be World Refugee Day in Maine and recognize the positive impact and enduring contributions of refugee communities seeking refuge within Maine's borders.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 20th day of June 2023.

_____

Jason Levesque, Mayor

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Ordinance:** 05-06052023

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed amendment to Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places)

Information: Staff is recommending the following amendment to Appendix A to the Code of Ordinances, City of Auburn, Maine – Fees and Charges (Streets, Sidewalks, and other Public Places).

Excavation/Street O~~e~~pening Permits—per square foot*:

Newly constructed, reconstructed or repaved street ….. 6.00

Paved streets ….. 5.00

Gravel streets and shoulders ….. 3.00

Construction areas (streets scheduled for full-depth construction ….. 5.00

**Applicability Date*: Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of second reading after a public hearing.

Previous Meetings and History: Passage of first reading on 6/5/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDINANCE 05-06052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places)

Be it ordained, that the City Council hereby amends Appendix A to the Code of Ordinances, City of Auburn, Maine – Fees and Charges (Streets, Sidewalks, and other Public Places) as follows:

Streets, Sidewalks and Other Public Places

Display of goods permit—each ….. 0.00

~~Excavation permits:~~

~~Minimum charge—single continuous work area ….. 10.00~~

~~Maximum charge — single continuous work area ….. 500.00~~

Excavation/Street O~~o~~pening Permits—per square foot*:

Newly constructed, reconstructed or repaved street ….. 6.00

Paved streets ….. 5.00

Gravel streets and shoulders ….. 3.00

Construction areas (streets scheduled for full-depth construction ….. 5.00

**Applicability Date*: Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Appendix A evidenced by Ordinance 05-06052023, when enacted, shall govern any proposed excavation/street opening for which an application has not been submitted to and finally acted upon by the City prior to June 5, 2023.

Sidewalk openings—per square foot:

Concrete, brick, bituminous ….. 1.50

Other openings:

1.00 for all other materials

Entrance permit—each ….. 20.00

Private property ….. N/C

Inspection of improvements in developments:

Streets to be accepted by city—as percentage of estimated costs of required public improvements ….. 2%

Private streets—as percentage of estimated costs of required public-type improvements ….. 2%

Special exceptions—the greater of:

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Ordinance

Minimum ….. 200.00

Percentage of public type improvements ….. 2%

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Order:** 88-06202023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: The Third Space Incentive Program (TSIP)

Information:
The City of Auburn is seeking funds from the American Rescue Plan Act (ARPA) funds to promote revitalization of properties in the Downtown District by providing financial assistance to qualified businesses and non-profits to create new public spaces for residents and greater community members to gather. This forgivable loan program is designed to provide incentive funding for new operations or expansion of existing services, thus improving the quality of the neighborhood, improve the sense of place and marketability of the overall area.

City Budgetary Impacts:
The Office of Business & Community Development is seeking $102,000 in ARPA funds to administer this program.

Staff Recommended Action:
Vote to authorize the use of $102,000 in ARPA funds for the Third Space Incentive Program.

Previous Meetings and History:
4/18/2023 Councilor Staples presented an overview for staff to work from.
6/5/2023 Council workshop where the initial program design was presented.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
The Third Space Incentive Program Summary

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

The Third Space Incentive Program

Purpose

The purpose of the Third Space Incentive program (TSIP) is to incentivize the creation of new, privately owned locations or privately organized regular events utilizing public space, which are distinct from work and home, where residents can gather. These spaces can have various forms and business models but are characterized by open spaces which promote community gathering, developing new relationships, and hosting community building activities and programming. These spaces have the intention of creating genuine and lasting relationships between community members by providing equalizing and accessible location to socialize. This initiative aligns with goals established within the city's Comprehensive Plan which aims to "attract and retain a wide range of small and medium size businesses in the Auburn and New Auburn Downtowns that promote and enhance a vibrant urban " (Objective I.1) and which "Maintain Auburn's role as a regional economic center with a diverse economic base and support continued strong economic growth that provides diverse opportunities for appropriate business growth and opportunities" (Goal I.2).

Funding

The City of Auburn may allocate $100,000 from the City ARPA funds for this program to provide funds to qualified applicants. Maximum assistance is $50,000 per operation for approved expenses. Fund requests will provide a detailed budget and explain how this funding will provide a net increase in social interaction and community building. Funds will be made available as a deferred-payment, 12-month loan. If all conditions are met, the funds will be converted to a grant.

Eligibility

New, start-up Auburn based non-profit or business which will be located within the Downtown, New Auburn or Union St census tracts. These include qualified for-profit or non-profit C-corps, S-corps, partnerships, or sole proprietors. The funds may be used to acquire or upgrade facilities, equipment, purchase supplies, or expand labor as necessary to open a new publicly accessible congregate space including but not limited to restaurants, cafes, activity centers, recreation space etc. which are open to the general public.

DRAFT

Post closing conditions will be reviewed 12 months after closing. If all conditions are met the loan will be converted to a grant. Conditions include copy of 2023 tax returns and evidence of on-going operation.

In order to be eligible to receive funds, all property taxes, real and personal, owed on the property that is the subject of the application must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Sources and Uses	Unit Price	Quantity	Budget
City ARPA Funds =			**$102,000**
Total Uses=			**$102,000**
Program Administration (1 year)			$2,000
Forgivable loans	$50,000	*Approx. 2*	$100,000

Application

Applicants will apply through the city Community Development Application portal and will provide all necessary documentation. https://portal.neighborlysoftware.com/auburnme/participant
Select "Community Development Grant". Select "Service Provider Grant" under section A4 and Name the Project "Third Space Incentive Program" under section B1. Applications will be collected until July 1st, at which time only completed application packages will be reviewed. Failure to provide all needed information will result in applications being denied. The city of Auburn reserves the right to reject any application. Qualified applications will be accepted during the application period, at the end of which all completed submissions will be evaluated against a pre-established review matrix. The top scoring applications will be funded until all funds are completed, or there are no more qualified applicants.

The City of Auburn is committed to accessibility for all applicants. For questions or accommodations completing applications contact the Community Development Office at (207) 333-6601 ex.1332 or emailing CDBG@auburnmaine.gov. Arrangements will be made for non-English-speaking persons and persons with special needs for mobility, hearing and visual impairments, homebound or those needing assistance with technology and/or access.

Applications must include the following:

- Detailed description of the market population and current mix of offerings
- Detailed plan to expand or create new space or offerings
- Approach to improve quality of service & education/marketing of new offerings

- Detailed traffic or sales projections
- Job descriptions of any new staff to be hired with grant funds
- Existing infrastructure and matching funds leveraged to meet stated goals
- Summary of data tracking and financial systems used to manage funds
- A detailed budget including all requested and matching funds with supporting documentation
- Narrative describing how the expansion meets the objectives within the city comprehensive plan.

Management and Oversight

- *Written Agreement*: The city will enter into a written agreement with the selected businesses describing the amounts and uses of funds.
- A commitment letter and promissory Note will be executed in the amount awarded. In the event the business does not meet the conditions detailed within the agreement the funds will be repaid to the city.

ORDER 88-06202023

City Council Order

IN CITY COUNCIL

ORDERED, that that City Council hereby authorizes the use of $102,000 in ARPA funds for the Third Space Incentive Program, which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Order:** 89-06202023

Author: Alison F. Pepin, Deputy City Clerk

Subject: Application for Special Event/Mass Gathering – Liberty Festival

---

Information: The Liberty Festival/Independence Day Committee applied for a Special Event/Mass Gathering Permit. The Festival is scheduled to take place July 4th with a rain date of July 5th at Great Falls, Festival Plaza and surrounding areas.

This is a 4th of July celebration which will include fireworks, vendors and a variety of entertainment venues in Lewiston and Auburn.

City Budgetary Impacts: $10,000 funded in budget

Staff Recommended Action: Public hearing and recommend approval

---

Previous Meetings and History: This is a yearly event.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Special Event/Mass Gathering application
- Copy of public hearing notice
- Order

Date received: 6/14/23
Date approved: 6/14/23

CITY OF AUBURN
SPECIAL EVENT/MASS GATHERING APPLICATION

Required for any special event on city property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

****

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 5/18/23

SPONSOR INFORMATION

Name of Sponsoring Organization: Liberty Festival

Name of Contact Person for Event: Cathy McDonald

Title of Contact Person: President

Mailing Address: PO Box 97, Lewiston, Me 04240

Daytime Telephone: _____ Cell Phone: 207-212-8227

Email Address: liberty.festival@aol.com

Contact Name and Cell Phone Number DURING the Event: Cathy McDonald 207-212-8227

Is your organization incorporated as a non-profit organization? Yes ☑ No ☐

Non-Profit Number: 04-3358113

EVENT INFORMATION

Name of Event: Liberty Festival

Type of Event (walk, festival, concert, etc.): festival

Date of Event: July 4th, 2023 Rain Date: July 5th, 2023

Times of Event: Start Time including set-up: 7am Ending time including clean up: 1am

Actual Event Start Time: 5pm Actual Event End Time: 11pm

Estimated Attendance: 2000

Location of Event: Great Falls Plaza, Festival Plaza and surrounding areas

Have you held an event at this location within the last 12 months? Yes ☑ No ☐

If the location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved?

Yes ☐ No ☑ Pending ☐ Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Not permitted	**CROSS-STREET BANNERS** Please note that the city no longer allows cross-street banners.			
Separate fee and permit possible	**FOOD** – Will food or beverages be sold? If yes, list what types of food or beverages: Food vendors Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	☑	☐	☐
Separate fee and permit possible	**NON-FOOD ITEMS** – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: Novelties Note - A peddler permit may be required and must be submitted 14 days prior to the event.	☑	☐	☐
N/A	**LIVE MUSIC** – Will there be any outdoor musical performances? If yes, please describe: DJ	☑	☐	☐
N/A	**SOUND AMPLIFICATION** – Will there be a microphone or speaker system to project sound?	☑	☐	☐
Separate fee and permit possible	**ALCOHOL** – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	☐	☑	☐
Separate fee and Permit required	**CARNIVAL** – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	☐	☑	☐
Separate fee and Permit required	**FIREWORKS** – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	☑	☐	☐
N/A	**PARADE** – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	☐	☑	☐
N/A	**RUN/WALK/CYCLE** – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route:	☐	☑	☐
Separate permit required	**BURN PERMIT** – Will there be any open flame such as a bonfire? If yes, describe activity: Note - A permit from the Fire Department is required.	☐	☑	☐

N/A	**TENT/CANOPY** – Will you be setting up a tent or canopy? If yes, list number and sizes: 1 pop up over DJ area	☑	☐	☐
Separate fee and permit required	**ELECTRICAL POWER/EQUIPMENT** – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? Vending booths, DJ and portable lighting. Ianotti Electric	☑	☐	☐
N/A	**ROAD/INTERSECTION CLOSURE** – Will any roads need to be closed to accommodate your event? If yes, please list: Main & Court, Longley Bridge and Great Falls Plaza area	☑	☐	☐
N/A	**MAP/DIAGRAM** – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	☑	☐	☐
N/A	**PARKING ACCOMODATIONS** – What will be the anticipated need for parking and what is your parking plan? Great Falls Plaza lots with manned donation request parking	☑	☐	☐
N/A	**TOILETS** – Please list amount at event and/or nearest location: 10 regular and 1 HC throughout the festival areas	☑	☐	☐
N/A	**WASTE DISPOSAL** – Please list process and location: City provided trash cans and liners throughout the festival area	☑	☐	☐
N/A	**HAND WASHING FACILITIES** – Please list amount at event and/or nearest location: 1 at the port-a-potty area and portable stations at every vendor	☑	☐	☐
N/A	**POTABLE WATER** – Please list amount at event and location: 1 hook up from TD Bank	☑	☐	☐
N/A	**FIRST AID FACILITIES** – Please list location at event: Auburn Fire	☑	☐	☐
$	**TOTAL FEE INCLUDED** – Checks payable to "City of Auburn"			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc., the city requires general liability insurance coverage. The **City of Auburn** is to be named as "additionally insured" for the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed on the Certificate of Insurance (minimum coverage $1,000,000 Bodily Injury or Death, per occurrence, and $300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

Signature of Applicant:	Printed Name:	Date Submitted:
	Cathy McDonald	5/18/23

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

******FOR STAFF USE******

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector	N/A			
Code Officer/Land Use & Zoning	✓		6/14	
Fire Department	✓		6/14	
Police Department	✓		6/14	
Public Works Department	✓		6/14	
Recreation Department	✓		6/14	

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: 6/20/2023

License Approved/Denied:_____ Date applicant notified: _____

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on June 20, 2023, at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Special Event/Mass Gathering application for:

Liberty Festival to be held at Great Falls, Festival Plaza, and surrounding areas on July 4th with a rain date of July 5th.

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

ORDER 89-06202022

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council hereby approves the Special Event/Mass Gathering permit for the Liberty Festival to be held July 4, 2023 (rain date July 5, 2023) at Great Falls, Festival Plaza, and surrounding areas.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Order:** 90-06202023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Tax Increment Financing District #28 Agren Warehouse

---

Information: Create a new TIF District to capture 100% of the increased value from the new warehouse to be constructed by Agren Appliance. The captured tax dollars can fund projects such as improving adjacent roadways and supporting Public Safety and Economic Development. The Development plan also seeks to provide a Credit Enhancement Agreement returning a portion of taxes paid to the developer to make the project viable in Auburn instead of seeing the developer locate in another location that has shown to be significantly more cost effective for the developer.

City Budgetary Impacts: None

Staff Recommended Action: Approve the order as presented.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
The Draft TIF #28 Development Plan

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

a) Hold at least one public hearing,
b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
c) At the hearing, the legislative body of a municipality or plantation must consider:
    i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
    ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evident to that effect.

Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

(e-mailed applications are <u>not</u> accepted)

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD
   Refer to "Checklist for Municipal Tax Increment Financing (MTIF) Application" to ensure application completeness
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor's Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

If applicable,

1. Exhibit J: Project Costs Spreadsheet
   Refer to MTIF Application, "Checklist For MTIF Application"for required information
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Table of Contents **

SECTION 1- COVER LETTER AND APPLICATION COVER SHEET 2
SECTION 2 - PURPOSE/BASIS ORIGINAL/AMENDED APPLICATION 3
SECTION 3 - COMPANY/DEVELOPER INFORMATION 5
SECTION 4 - EMPLOYMENT GOALS/DATA 6
SECTION 5 - DEVELOPMENT PROGRAM 7
Public Project(s) 7
Private Project(s) 7
Program Duration 7
Original Assessed Value 8
SECTION 6 - FINANCIAL PLAN 9
Increased Assessed Value Information 9
Public Indebtedness 9
Anticipated Revenues 9
Credit Enhancement Agreement (CEA) 9
Development Program Fund and Tax Increment Revenues 11
Relocation of Person(s)/Business(es) 12
Transportation Improvements 12
Environmental Controls 12
District Operation 12
SECTION 7 - NOTICE AND HEARING 13
EXHIBIT A - STATUTORY REQUIREMENTS & THRESHOLDS 14
EXHIBIT B - ASSESSOR'S CERTIFICATE 16
EXHIBIT C - MAP OF DISTRICT LOCATION WITHIN MUNICIPALITY 17
EXHIBIT D - MAP OF DISTRICT BOUNDARIES 18
EXHIBIT E - ANNUAL REVENUE SPREADSHEET 19
EXHIBIT F - ANNUAL TAX SHIFT SPREADSHEET 20
EXHIBIT G - 10-DAY NOTICE OF PUBLIC HEARING 21
EXHIBIT H - MINUTES OF PUBLIC HEARING 22
EXHIBIT I - RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION 23
EXHIBIT J - PUBLIC PROJECT COSTS 24
EXHIBIT K - COMPREHENSIVE DOWNTOWN REDEVELOPMENT PLAN 25
EXHIBIT L - TRANSIT-ORIENTED DEVELOPMENT DISTRICT MAP 26
EXHIBIT M - CREDIT ENHANCEMENT AGREEMENT(S) 27
EXHIBIT N - MUNICIPALITY TIF POLICY 28

**see "Checklist for Municipal Tax Increment Financing (MTIF) Application" for instructions to automatically update the Table of Contents.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Section 1- Cover Letter and Application Cover Sheet

1. **Name of municipal tax increment financing (TIF) district and development program:** #28 Agren Appliance Warehouse
2. **This is an** original application. **If an amendment, what amendment number?**
3. **Is this a Downtown designated TIF?** No.
   If yes, provide the following information regarding the *Downtown Redevelopment Plan:*
   a. **Name:**
   b. **Date approved by municipal legislative body:**

   The Downtown Redevelopment Plan must contain the components outlined in the DECD "Downtown Redevelopment Plan Criteria Checklist"
4. **Is this development district considered a/an [check the appropriate box(es)]?**
   ☐ **Industrial** ☑ **Commercial** ☐ **Transit-oriented** ☐ **Arts**
   If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)
5. **Municipality name:** Auburn
6. **Municipality address:** 60 Court Street
7. **Municipality county:** Androscoggin
8. **Municipal telephone number:** 207-333-6601
9. **Municipal official's name:** Glen E. Holmes
10. **Municipal official's title:** Director of Business and Community Development
11. **Municipal official's e-mail address:** gholmes@auburnmaine.gov
12. **If different from #9 above, contact person/consultant:** Alyssa Tibbetts
13. **Municipal contact/consultant phone number:** 207-775-7271
14. **Municipality contact/consultant e-mail address:** atibbetts@jensenbaird.com
15. **Municipality's assessor's name:** Karen Scammon
16. **Municipality's assessor's e-mail address:** kscammon@auburnmaine.gov

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

Signature

6/14/2023
Date

Glen E. Holmes Director Business & Community Development
Print municipal official's name & title

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, "headline" sentence explaining purpose/basis of this application.**
   The Agren Appliance Warehouse Tax Increment Financing District and Development Program #28 (the "Agren Appliance Warehouse District") will enable the construction of a 51,000 square foot warehouse located next to the company's corporate headquarters on Adamian Drive in the City of Auburn.
2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.**
   Agren Appliance (the "Company") is a privately held company founded in Auburn, Maine in 1969. The Company has grown into Maine's largest appliance and mattress retailer with six locations and over 130 employees, in addition to its corporate headquarters located in Auburn. Of the Company's 130 employees, approximately 106 are employed in the retail store and corporate headquarters located in Aubrn. The Company currently leases a 40,000 square foot warehouse and is outgrowing that space. The lease for this warehouse ends in June 2024 and the Company has evaluated the options to relocate and expand its warehouse, including the purchase of an existing warehouse in Portland. Due to various efficiency, oversight and labor considreations, the Company has decided to construct a new 51,000 square foot warehouse adjacent to its corporate headquarters on Adamian Drive in Auburn. However, the cost of constructing and operating this warehouse in Auburn will be substantial and far exceeds the cost of purchasing an existing comparable property in Portland. The Company has requested a credit enhancement agreement from the City of Auburn to assist with the development of the warehouse to keep the business and employment opportunities within the City. A tax increment financing development district involves creation of a geographically defined district in the City and the "capture" or reinvestment of some of the new increased or "incremental" tax revenues generated by new development and business expansion in the District to pay certain costs of development and certain costs of new public facilities, improvements and programs. The purpose of the Agren Appliance Warehouse District is to utilize a portion of the incremental tax revenues generated by the construction of the new Agren Appliance warehouse as an investment in the commercial development of the property in the District for this purpose. The City desires to retain and support the Company's commercial activity within the City and to increase its commercial tax base and further that goal through the designation of the Agren Appliance Warehouse District. In addition, the District will create more net tax revenue to be retained by the City to fund the public facilities, improvements and programs described herein than would result if such development were to occur without the creation of the District. This favorable situation is the result of the State formulas which, when a Development District is created, shelter the Increased Assessed Value of the District from the increased county taxes and loss of State aid to education and municipal revenue sharing that results when new development occurs without the creation of a Development District. The program described herein will serve the purpose of administering the District as a Municipal Development District and Tax Increment Financing District pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Development Program"). The means and objectives of the Development Program are to provide financing for the public facilities, improvements and programs authorized herein. The City, by adopting this Development Program, finds that the Development Program described herein, consisiting of the Public Facilities, Improvements and Programs, will provide significant economic benefit to the City and the State by retaining and providing new employment opportunities and new public infrastructure that will facilitate commercial development, which will significantly improve and broaden the City's tax base and the general economy of the City and the State. Upon approval by the City Council designating the District and

adopting this Development Program, the designation of the District and adoption of the Development Program will become final immediately, subject only to approval by the Maine Department of Economic and Community Development.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 3 - Company/Developer Information

A. Business General Information
[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered]:

1. **Business name:** Agren Appliance
2. **Business address:** 11 Adamian Drive, Auburn, Maine 04210
3. **Business phone number:** 207-330-3873
4. **Business contact person:** Jason Pauley, COO
5. **Business contact person e-mail address:** jpauley@agrenappliance.com
6. **Principal place of business:** 11 Adamian Drive, Auburn, Maine 04210
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Corporation
8. **Place of incorporation:** Maine
9. **Name of Officer(s):** Jason Agren, President
10. **Name of principal owner(s) name:** Click here to enter text.
11. **Address:** Click here to enter text.
12. **Brief project description:** Construction of new warehouse facility to support retail appliance business.
13. **Total amount of project new investment by company/developer: $** 10,000,000
14. **Will there be a credit enhancement agreement with this business?** Yes. If so, complete the rest of this section and Section 4.

B. Disclosure, only in cases where a CEA is offered to the above business:

1. Check the public purpose(s) that will be met by the business using this incentive:

☒ **job creation** ☒ **job retention** ☒ **capital investment**
☐ **training investment** ☐ **tax base improvement** ☐ **public facilities improvement**
☐ **other (list):** Click here to enter text.

2. Check the specific item(s) for which TIF revenues will be used by the business:

☒ **real estate purchase** ☐ **machinery & equipment purchase** ☐ **training costs**
☐ **debt reduction**
☒ **other (list):** Construction of warehouse facility

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (**If a developer**, check box ☐, and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical	1		$80,000
2. Administrative/Clerical Support	3		$45,000
3. Sales & Service	3		$62,400
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation	8		$42,000
Total			Leave blank
B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical	3		$65,000
2. Administrative/Clerical Support	2		$45,760
3. Sales & Service	32		$52,000
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation	29		46600
Total			Leave blank
*See Occupational Cluster Descriptions for more information.			

INSTRUCTIONS

A. Job Creation Goals. Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, "full-time" employment means 30 hours or more; "part-time" employment means less than 30 hours. "Wage level" means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, "type" means "occupational cluster" which refers to the 12 categories listed in the "Occupational Cluster Descriptions." Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

B. Job Retention Goals. Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 5 - Development Program

Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?** Yes. See Exhibit J.

Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** Yes. **If yes, provide a brief, clear description:** Company intends to build a new warehouse facility for its appliance business.

Program Duration

3. **Duration of development district (may not exceed 30 years):**
   a. **District term: Original application**: 30.
      If an amendment, adding how many years? Choose a number **totaling how many years?** Choose a number.
   b. **Start date of** April 1, 2024 **with fiscal year** April 1, 2024.
      [Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]
   c. **End date of** March 31, 2054 **with fiscal year** March 31, 2054.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Original Assessed Value

4. **Provide the taxable assessed value of the development district as of the March 31st of the tax year preceding the property tax year in which the district was designated by the legislative body.**

			OAV of Real Property	OAV of Personal Property	As of (complete year)		Total acres
Original district			$1,051,500.00	$0.00	3/31/2023		11.64
Amendment: (If applicable, with any property added/removed)	#1	-				-	
		+			3/31/____	+	
	#2	-				-	
		+			3/31/____	+	
	#3	-				-	
		+			3/31/____	+	
	#4	-				-	
		+			3/31/____	+	
	#5	-				-	
		+			3/31/____	+	
	#6	-				-	
		+			3/31/____	+	
	#7	-				-	
		+			3/31/____	+	
	#8	-				-	
		+			3/31/____	+	
	#9	-				-	
		+			3/31/____	+	
	#10	-				-	
		+			3/31/____	+	
Total	N/A				N/A		

***Municipal Assessor must certify above original assessed value(s) (Exhibit B).

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 6 - Financial Plan

Increased Assessed Value Information

1. **Total estimated cost for the development program: $** 4,222,400 (Should match "total" from Exhibit J)
2. **Municipality will capture** 100% **of** real property only **increased assessed value for each year of the district term, to apply to the development program.** Click here to enter text, if needed.
3. **If #2 above's captured assessed value is less than 100%, besides the district's original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** Click here to enter % to be deposited in General Fund/Education & Services fund.

Public Indebtedness

4. **Will there be public indebtedness?** Yes, to be determined.
    a. **If yes, what is the projected amount of public indebtedness to be incurred?** The City will not incur any indebtedness at this time in connection with the Public Facilities, Improvements and Programs authorized herein; however, the City may elect to do so at a future date at the discretion of its City Council.
    b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** Choose an item. **If yes, provide the status, such as years left on bond and amount of outstanding debt.** Click here to enter text.

Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** The source of the revenue to be used to pay the costs of the public projects as set forth in this Development Program is the Tax Increment on the Increased Assessed Value of the District. Tax Increment means all Property Taxes assessed by the Town, in excess of any state, county or special district tax, upon the Increased Assessed Value of all real property in the District. Increased Assessed Value means the valuation amount by which the Current Assessed Value of the District exceeds the taxable Original Assessed Value of the real property in the District. Current Assessed Value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property Taxes means any and all ad valorem property taxes levied, charged or assessed against real property by the City. Original Assessed Value means the taxable assessed value of the real property in the District as of March 31, 2023 (April 1, 2022). All Property Tax on the Original Assessed Value shall continue to be deposited in the general fund of the Town.
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** A portion of the Tax Increment from the District as described above will be used to finance a portion of the construction of the Company's new warehouse to be located within the District. The percentage of the Tax Increment will be paid to the Company under the terms of a Credit Enhancement Agreement as set forth below.

Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
    a. **Will CEAs be offered as part of this development program?** Yes.
    b. **List name(s) of company/developer to be offered a CEA:** Agren Applicance

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** 43% of Tax Increment Revenue for up to 30 years, not to exceed $1,000,000 cumulative payment.

c. **Is this an omnibus application?** No.
If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s): Click here to enter text.

d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Development Program Fund and Tax Increment Revenues

Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and

2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and
2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X _____

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X _____

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Relocation of Person(s)/Business(es)

8. No businesses or persons will be displaced or relocated as a result of the development activities proposed in the District.

Transportation Improvements

9. Except for the Public Facilities, Improvements and Programs contemplated by this Development Program, which include improvements to certain roads, intersections, sidewalks and other transportation infrastructure, the existing transportation facilities of the Town will be adequate to accommodate the improvements contemplated herein.

Environmental Controls

10. The day-to-day operations of the District will require no substantial efforts by the Town, other than staffing and programming primarily conducted by the Town Manager's office and the economic development office, in conjunction with the support of the staff of the Windham Economic Development Corporation funded by this Development Program.

District Operation

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
    a. **Public capital improvements:** The day-to-day operations of the District will require no substantial efforts by the Town, other than staffing and programming primarily conducted by the Town Manager's office and the economic development office, in conjunction with the support of the staff of the Windham Economic Development Corporation funded by this Development Program.
    b. **Private capital improvements:** There are no private capital improvements contemplated as of this application. Any such private improvements are expected to be funded by the developers responsible for such improvements. The Town will not be responsible for the operation of private capital improvements within the District.

Section 7 - Notice and Hearing

1. **Date of public notice (must be minimally 10 days before the public hearing):** June 10, 2023
   For Exhibit G, provide a legible **copy** of the newspaper page showing the public hearing , newspaper name and date of publication.

2. **Date of public hearing:** June 20, 2023
   For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.

3. **Date municipal or plantation legislative body approved original district designation:** June 20, 2023
   Date municipal or plantation legislative body adopted original development program: June 20, 2023
   If an amendment, is it to the:
   - ☐ **district. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   - ☐ **development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   - ☐ **district and development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.

   For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.

4. **Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit A - Statutory Requirements & Thresholds

**round to second decimal place

SECTION A. | Acreage Caps		
1. Total **municipal** acreage	41,430.00	
2. Acreage of **proposed** Municipal TIF District (if amendment, proposed updated total acreage)	11.64	
3. **Downtown-designation**[1] acres in proposed Municipal TIF district	0.00	
4. **Transit-Oriented Development**[2] acres in proposed Municipal TIF district	0.00	
5. **Total acreage [=A2-A3-A4]** of proposed Municipal TIF district counted toward 2% limit	11.64	
6. **Percentage [=A5÷A1]** of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)	0.03%	
7. **Total acreage** of all existing/proposed Municipal TIF districts in municipality **including** Municipal Affordable Housing Development districts:[3] See attached list	Existing	666.55
	Proposed	11.64
	Total	678.19
30-A § 5223(3) EXEMPTIONS[4]		
8. Acreage of an existing/proposed **Downtown** Municipal TIF district	264.18	
9. Acreage of all existing/proposed **Transit-Oriented Development** Municipal TIF districts	0	
10. Acreage of all existing/proposed **Community Wind Power** Municipal TIF districts:	0	
11. Acreage in all existing/proposed Municipal TIF districts **common to**[5] Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such acreage also factored in Exemptions 8-10 above:	0	
12. **Total acreage [=A7-A8-A9-A10-A11]** of all existing/proposed Municipal TIF districts counted toward 5% limit	414.01	
13. **Percentage of total acreage [=A12÷A1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)	1.00%	

14. **Real property** in proposed Municipal TIF District that is:	ACRES	% **[=Acres÷A2]**
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	11.64	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		100%

[1] Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).
[2] For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.
[3] For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B must exclude AH-TIF valuation.
[4] Downtown/TOD overlap nets single acreage/valuation caps exemption.
[5] PTDZ districts approved through December 31, 2008.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

SECTION B. | Valuation Cap		
1. **Total TAXABLE** municipal valuation—April 1, 2022		$2,171,967,423
2. **Taxable Original Assessed Value (OAV)** of proposed Municipal TIF District as of March 31, 2023 (April 1, 2022)		$1,051,500
3. **Taxable OAV of all** existing/proposed Municipal TIF districts in municipality **excluding** Municipal Affordable Housing Development districts: See attached list	Existing	$107,259,700
	Proposed	$1,051,500
	Total	$108,311,200
30-A § 5223(3) EXEMPTIONS		
4. **Taxable OAV** of an existing/proposed **Downtown** Municipal TIF district		$83,168,800
5. **Taxable OAV** of all existing/proposed **Transit-Oriented Development** Municipal TIF districts		$0
6. **Taxable OAV** of all existing/proposed **Community Wind Power** Municipal TIF districts		$0
7. **Taxable OAV** of all existing/proposed **Single Taxpayer/High Valuation**[6] Municipal TIF districts		$0
8. **Taxable OAV** in all existing/proposed Municipal TIF districts **common to** Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such OAV also factored in Exemptions 4-7 above:		$0
9. **Total taxable OAV [=B3-B4-B5-B6-B7-B8]** of all existing/proposed Municipal TIF districts counted toward 5% limit		$25,142,400
10. **Percentage of total taxable OAV [=B9÷B1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)		1.16%

COMPLETED BY			
PRINT NAME			
SIGNATURE	Alyssa Tibbetts	DATE	
If this form has **not been completed by the municipal or plantation assessor**, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME			
SIGNATURE	Karen Scammon	DATE	6-15-23

[6] For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit B - Assessor's Certificate

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT B: Assessor's Certificate

CITY OF AUBURN
CERTIFICATE OF ASSESSOR

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the Auburn Municipal Tax Increment Financing District #28, the Agren Appliance Warehouse Development District, as described in the Development Program for the District and as identified in more detail below, was $1,051,500 as of March 31, 2023 (April 1, 2022).

Map/Lot	Address	Acres	Original Assessed Value
121-002	56 Harriman Drive	7.54	$515,200
109-003	12 Adamian Drive	2.2	$285,000
109-004	24 Adamian Drive	1.9	$251,300
	TOTAL	**11.64**	**$1,051,500**

This Certificate has been executed as of this 15th day of June, 2023.

Karen Scammon, Municipal Assessor

Exhibit C - Map of District Location within Municipality

Auburn Municipal TIF District #28, Agren Appliance Warehouse Development District

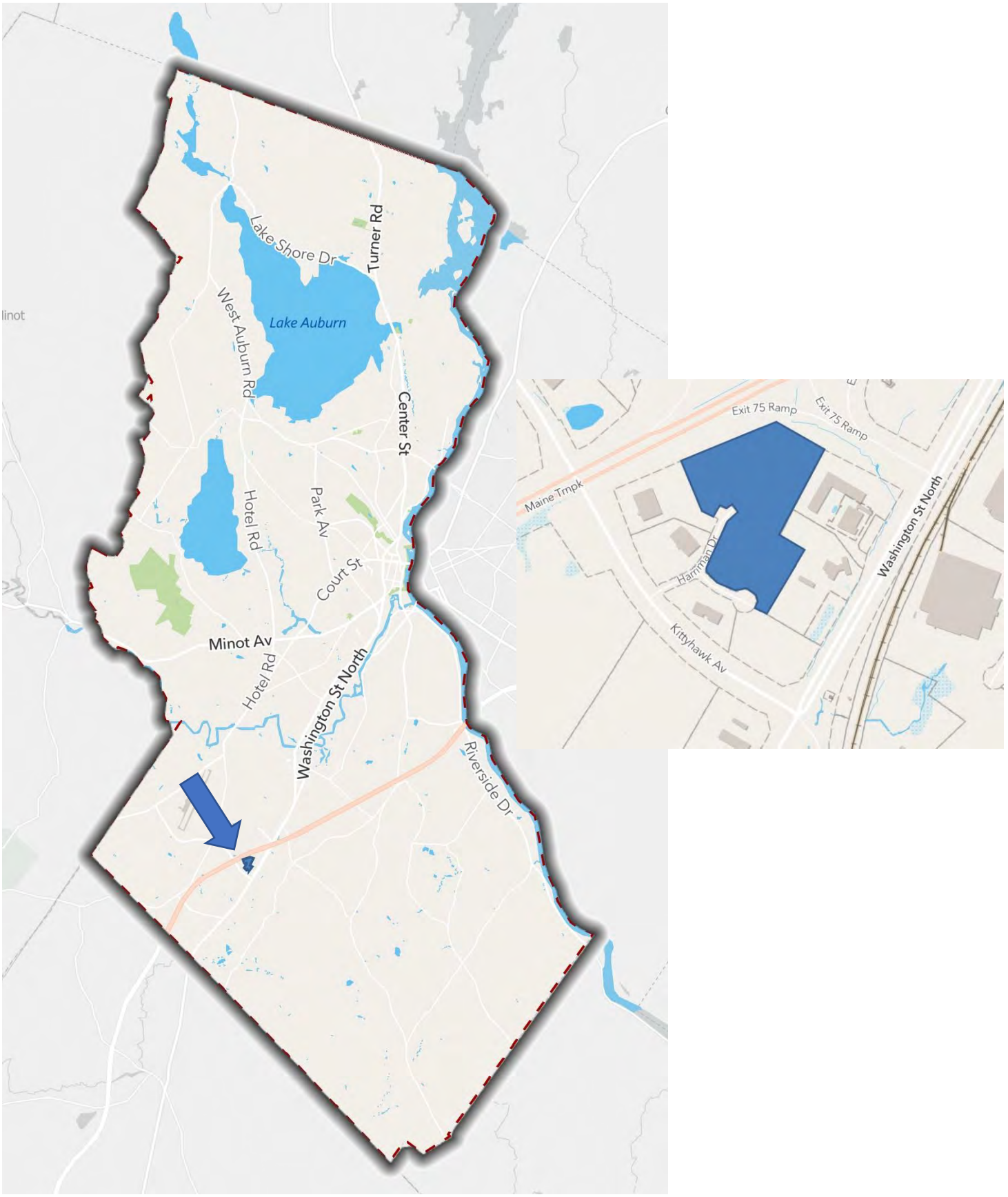


Exhibit D - Map of District Boundaries

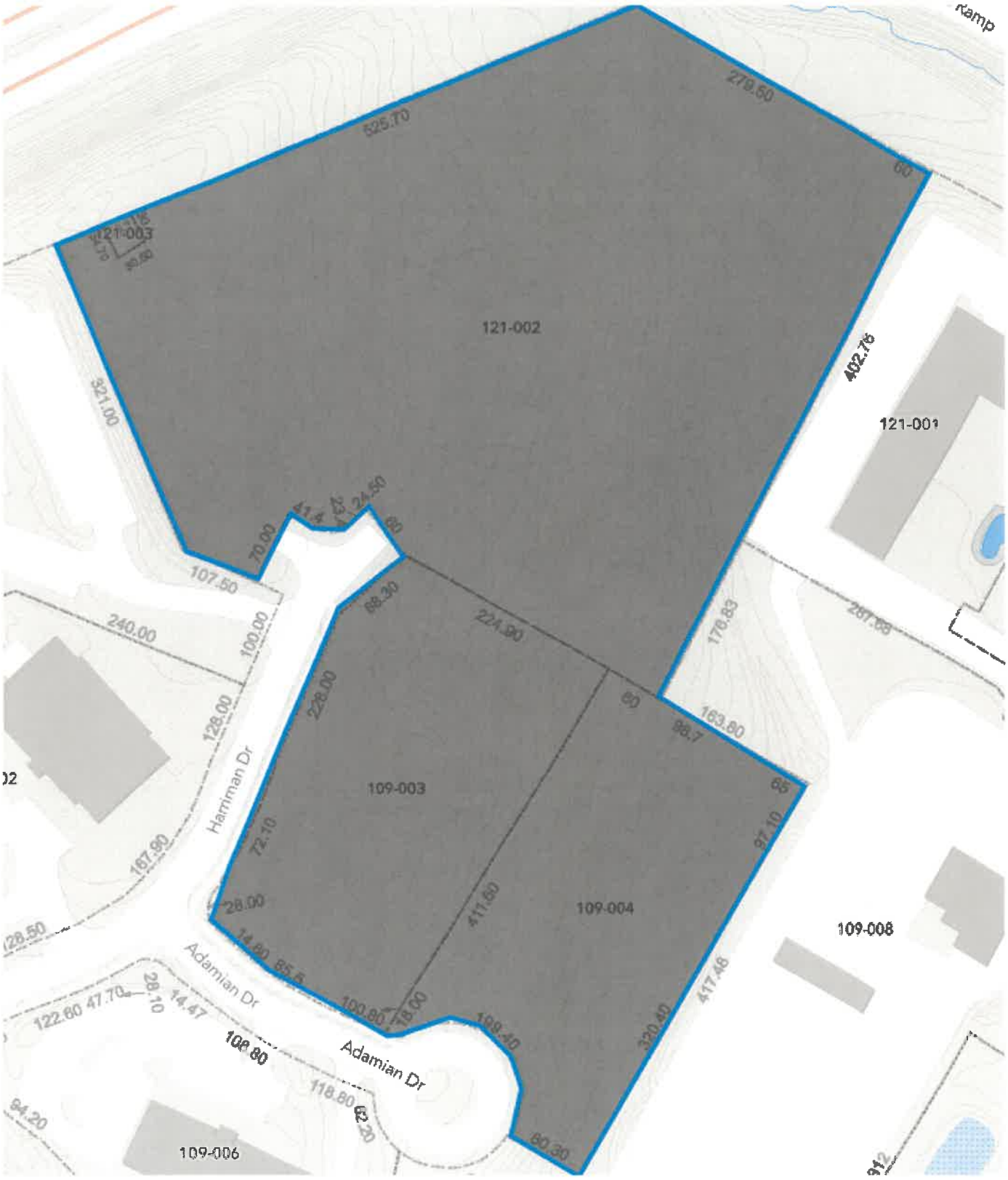

121-002
121-003
121-001
109-003
109-004
109-006
109-008
Hamman Dr
Adamian Dr
Adamian Dr
525.70
279.50
60
402.76
321.00
70.00
41.4
24.50
60
107.50
240.00
100.00
128.00
88.30
221.90
228.00
176.83
287.09
60
98.7
163.80
65
97.10
72.10
167.90
28.00
14.00
85.5
411.60
100.80
78.00
109.40
320.40
417.46
122.60
47.70
28.10
14.47
108.80
118.80
62.20
94.20
60.30

Exhibit E - Annual Revenue Spreadsheet

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT E: Annual Revenue Spreadsheet

TIF Year	Tax Year April 1,	Fiscal Year (July 1-June 30)	Original Assessed Value (OAV)[1]	Increased Assessed Value (IAV)[2]	Captured Assessed Value (CAV) 100%[3]	Mil Rate[4]	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV (100% Sheltered)	CEA Payments to Developer[5]	Net Tax Revenue on CAV to City
1	2024	2024-2025	$ 1,051,500.00	$ -	$ -	22.75	$ 23,921.63	$ -	$ -	$ -	$ -
2	2025	2025-2026	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
3	2026	2026-2027	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
4	2027	2027-2028	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
5	2028	2028-2029	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
6	2029	2029-2030	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
7	2030	2030-2031	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
8	2031	2031-2032	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
9	2032	2032-2033	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
10	2033	2033-2034	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
11	2034	2034-2035	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
12	2035	2035-2036	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
13	2036	2036-2037	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
14	2037	2037-2038	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
15	2038	2038-2039	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
16	2039	2039-2040	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 62,608.00	$ 82,992.00
17	2040	2040-2041	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00	$ 60,880.00	$ 84,720.00
18	2041	2041-2042	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
19	2042	2042-2043	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
20	2043	2043-2044	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
21	2044	2044-2045	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
22	2045	2045-2046	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
23	2046	2046-2047	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
24	2047	2047-2048	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
25	2048	2048-2049	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
26	2049	2049-2050	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
27	2050	2050-2051	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
28	2051	2051-2052	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
29	2052	2052-2053	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
30	2053	2053-2054	$ 1,051,500.00	$ 6,400,000	$ 6,400,000	22.75	$ 23,921.63	$ 145,600.00	$ 145,600.00		$ 145,600.00
					30 Year TIF Total		**$ 717,649**	**$ 4,222,400.00**	**$ 4,222,400.00**	**$ 1,000,000.00**	**$ 3,222,400.00**
					Annual Average				**$ 140,746.67**	**$ 58,823.53**	**$ 107,413.33**

Assumptions:

[1] The OAV of the District is as of March 31, 2023 (April 1, 2022). The District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

[2] The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. It is expected that the project will be complete by June 2024. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

[3] The City intends to capture 100% of both real and personal property within the District.

[4] The mil rate is based on FY 2022-23 actual rate of 22.75 and held constant for the remainder of the District term.

[5] The Development Program authorizes the City to enter into a credit enhancment agreement with the developer for a period of up to 30 years to include a reimbursement of 43% of the tax revenue from the increased assessed value from the project, up to a cumulative total reimbursement of $1,000,000.

[6] This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit F - Annual Tax Shift Spreadsheet

EXHIBIT F: Annual Tax Shift Spreadsheet

TIF Year	Fiscal Year	Education Shift (Avoided Loss)[1]	Revenue Sharing Shift (Avoided Loss)[2]	County Tax Shift (Avoided Increase)[3]	Total Tax Shifts	Net Tax Revenue from CAV to General Fund (w/out TIF)
1	2024-2025	$0.00	$0.00	$0.00	$0.00	$ -
2	2025-2026	$44,608.00	$15,347.67	$5,840.03	$65,795.71	$ 79,804.29
3	2026-2027	$44,608.00	$15,347.67	$6,110.43	$66,066.10	$ 79,533.90
4	2027-2028	$44,608.00	$4,785.30	$6,393.34	$11,178.64	$ 134,421.36
5	2028-2029	$44,608.00	$15,347.67	$6,689.35	$66,645.02	$ 78,954.98
6	2029-2030	$44,608.00	$15,347.67	$6,999.07	$66,954.74	$ 78,645.26
7	2030-2031	$44,608.00	$15,347.67	$7,323.12	$67,278.80	$ 78,321.20
8	2031-2032	$44,608.00	$15,347.67	$7,662.18	$67,617.86	$ 77,982.14
9	2032-2033	$44,608.00	$15,347.67	$8,016.94	$67,972.62	$ 77,627.38
10	2033-2034	$44,608.00	$15,347.67	$8,388.13	$68,343.80	$ 77,256.20
11	2034-2035	$44,608.00	$15,347.67	$8,776.50	$68,732.17	$ 76,867.83
12	2035-2036	$44,608.00	$15,347.67	$9,182.85	$69,138.52	$ 76,461.48
13	2036-2037	$44,608.00	$15,347.67	$9,608.02	$69,563.69	$ 76,036.31
14	2037-2038	$44,608.00	$15,347.67	$10,052.87	$70,008.54	$ 75,591.46
15	2038-2039	$44,608.00	$15,347.67	$10,518.32	$70,473.99	$ 75,126.01
16	2039-2040	$44,608.00	$15,347.67	$11,005.31	$70,960.99	$ 74,639.01
17	2040-2041	$44,608.00	$15,347.67	$11,514.86	$71,470.53	$ 74,129.47
18	2041-2042	$44,608.00	$15,347.67	$12,048.00	$72,003.67	$ 73,596.33
19	2042-2043	$44,608.00	$15,347.67	$12,605.82	$72,561.49	$ 73,038.51
20	2043-2044	$44,608.00	$15,347.67	$13,189.47	$73,145.14	$ 72,454.86
21	2044-2045	$44,608.00	$15,347.67	$13,800.14	$73,755.82	$ 71,844.18
22	2045-2046	$44,608.00	$15,347.67	$14,439.09	$74,394.76	$ 71,205.24
23	2046-2047	$44,608.00	$15,347.67	$15,107.62	$75,063.29	$ 70,536.71
24	2047-2048	$44,608.00	$15,347.67	$15,807.10	$75,762.77	$ 69,837.23
25	2048-2049	$44,608.00	$15,347.67	$16,538.97	$76,494.64	$ 69,105.36
26	2049-2050	$44,608.00	$15,347.67	$17,304.72	$77,260.40	$ 68,339.60
27	2050-2051	$44,608.00	$15,347.67	$18,105.93	$78,061.61	$ 67,538.39
28	2051-2052	$44,608.00	$15,347.67	$18,944.24	$78,899.91	$ 66,700.09
29	2052-2053	$44,608.00	$15,347.67	$19,821.36	$79,777.03	$ 65,822.97
30	2053-2054	$44,608.00	$15,347.67	$20,739.08	$80,694.76	$ 64,905.24
30 Year TIF Total		**$1,293,632**	**$434,520**	**$342,533**	**$2,026,077**	**$2,196,323**
Average Annual		**$43,121**	**$14,484**	**$11,418**	**$67,536**	**$73,211**

Assumptions:

The tax shifts resulting from the sheltering of valuation from the state school funding formula are based on the state EPS funding model in which a statewide estimated mill rate of 6.97 mills in FY 2023-2024 is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the City avoids having to raise an amount equal to the valuation sheltered x 6.97 mills. The education rate used to calculate the education tax shift is based on the adjusted mill rate of the Auburn Public School District based on the preliminary ED 279 for FY 2023-2024 published 03/28/23.

The tax shifts resulting from the sheltering of valuation from the state revenue sharing formula are based on the most recent data available from Maine Revenue Services for the fiscal year July 1, 2023 - June 30, 2024 published 03/06/2023

The tax shifts resulting from the sheltering of valuation from the County tax assessment are based on the actual Androscoggin County tax assessments for the most recent five years.

1 The OAV of the District is as of March 31, 2023 (April 1, 2022). The District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

2 The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. It is expected that the project will be complete by June 2024. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

These tax shift estimates are based on a captured assessed value of 100% of the estimated increased assessed value for the District.

The projected tax revenue is based on the estimate of increased assessed value multiplied by the FY 2022-23 actual mil rate of 22.75, which is held constant for the remainder of the District term.

Exhibit G - 10-Day Notice of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT G: 10-Day Notice of Public Hearing

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on Tuesday, June 20, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #28 the "Agren Appliance Warehouse" Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 11.64 acres, which includes three parcels located on Harriman Drive and Adamian Drive, identified on the City's tax maps as Map121, Lot 002, Map 109, Lot 003, and Map 109, Lot 004. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new warehouse for Agren Appliance.

The City proposes to offer the developer of this project a reimbursement of 43% of the property taxes paid by the developer on the new assessed property value in the District resulting from the project over a period of up to 30 years, not to exceed $1,000,000 total. This reimbursement will enable the developer to construct a new warehouse in the District. In addition, the City proposes to allocate the remainder of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City's use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects.

A copy of the proposed Development Program for the new District is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

of those playoffs, and he became the first player in NHL history to have at least two OT goals in back-to-back postseasons. He had two last year for the Panthers.

"Whenever we get to overtime, just give the puck to Carter Verhaeghe and then usually good things happen," Florida's Nick Cousins said. "Yeah, I don't know what it is. It seems like every time we get to overtime, we always have somebody step up. With our group, it's definitely pretty special."

It's not just Verhaeghe. Matthew Tkachuk has

NOTICE TO CONTRACTORS
INVITATION FOR BIDS

The Department of Defense, Veterans and Emergency Management (DVEM) is conducting a competitive bid process for the Lewiston Armory Additional POV Paving Project at the Lewiston Armory in Lewiston, Maine. Bids will be opened and read aloud by the Directorate of Facilities Engineering at 2:00 p.m. on June 29, 2023.

Project consists of the regrading and compaction of the existing gravel base surface and the placement of 2" binder and 1 ½" bituminous pavement surface on the rear POV parking lot at the Lewiston Armory. Project includes demolition of the existing bituminous drainage structure and the addition of striping for this parking lot. Total area contained in the scope of this project is approximately 1,378 square yards. A mandatory pre-bidding conference will be held at the Lewiston Armory located at 55 Alfred A. Plourde Parkway, Lewiston, Maine at 9:00 a.m. on June 14, 2023.

The detailed Notice to Contractors is on the Bureau of General Services website: https://www.maine.gov/dafs/bgs/business-opportunities .

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at **7:00 p.m.** on **Tuesday, June 20, 2023** in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #28 the "Agren Appliance Warehouse" Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended. The proposed new District will consist of 11.64 acres, which includes three parcels located on Harriman Drive and Adamian Drive, identified on the City's tax maps as Map121, Lot 002, Map 109, Lot 003, and Map 109, Lot 004. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new warehouse for Agren Appliance. The City proposes to offer the developer of this project a reimbursement of 43% of the property taxes paid by the developer on the new assessed property value in the District resulting from the project over a period of up to 30 years, not to exceed **$1,000,000** total. This reimbursement will enable the developer to construct a new warehouse in the District. In addition, the City proposes to allocate the remainder of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City's use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects. A copy of the proposed Development Program for the new District is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

Exhibit H - Minutes of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit I - Record of District Designation and Development Plan Adoption

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

ORDER OF THE AUBURN CITY COUNCIL
June 20, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Agren Appliance for the commercial development of certain property within its General Business zoning district located on Adamian Drive; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Agren Appliance Warehouse Municipal Development and Tax Increment Financing District #28 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #28 (the "Agren Appliance Warehouse Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Agren Appliance Warehouse Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

Exhibit J - Public Project Costs

EXHIBIT J: Public Project Costs

Project		Estimated Cost Over 30 Years	Statutory Citation
(a)	Capital costs within the District related to the acquisition or construction of land, structures, fixtures or equipment, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures, and fixtures for public, recreational trail, commercial or transit use, including, but not limited to, site preparation, finishing work, real property assembly costs and other capital costs related to such improvements, such as licensing, permitting, planning, engineering and architectural and legal expenses, and credit enhancement agreement payments.	$1,000,000	30-A M.R.S. § 5225(1)(A)(1)(a)-(d), §5225 (1)(A)(3)
(b)	Capital costs within the District related to the construction of improvements, public ways, transit facilities, and recreational trails, including, but not limited to, pavement, widening, repair and reconstruction of roads, sidewalks and intersections, bicycle lanes, pedestrian safety measures, signage, bus shelters, benches, crosswalks, curb treatments, recreational trails and bridges.	$517,920	30-A M.R.S. § 5225(1)(A)(1)(a)
(c)	Costs of improvements for the construction, alteration or expansion of facilities outside of the District that are required due to improvements or activities within the District, such as improvements, reconstruction, repair or widening of public ways and amenities on streets, sidewalks and intersections, bicycle lanes and pedestrian safety measures, and storm, sanitary sewer and water lines, electrical lines.	$500,000	30-A M.R.S. § 5225(1)(B)(1)
(d)	Costs associated with professional services rendered for projects within the District, including, but not limited to, engineering, planning, licensing, permitting, surveying, design, legal and accounting, and administrative expenses of staff time related to establishing and implementing the District and Development Program.	$200,000	30-A M.R.S. §§ 5225(1)(A)(4), (5), (7)
(e)	Costs of the construction, alteration or expansion of facilities, including, but not limited to, water, sewer, storm water, electrical, telephone, cable, broadband,	$400,000	30-A M.R.S. §§ (1)(A)(1), (1)(B)(1)

	and natural gas, that are located within the District or outside the District to the extent they are required due to improvements or activities within the District.		
(f)	Costs of public safety improvements to include the acquisition of additional public safety equipment or personnel, or improvements to police and fire stations outside the District as made necessary by the establishment and operation of the District, and costs related to public safety facilities made necessary by economic development activities within the City (not to exceed 15% of the CAV of the District).	$960,000	30-A M.R.S. §§ 5225(1)(B)(1), (2), (1)(C)(9)
(g)	Costs related to economic development programs and activities of the City directed at business retention and attraction, including, but not limited to, economic development staff salaries and/or consultant fees, and costs of funding economic development programs, events or marketing of the City as a business or arts location.	$580,032	30-A M.R.S. § 5225(1)(C)(1)
(k)	Costs associated with administration of the District, including, but not limited to time spent by City employees in connection with the implementation of the Development Program.	$64,448	30-A M.R.S. § 5225(1)(A)(5)
TOTAL Estimated Project Costs (30 Years)		$4,222,400	

Exhibit K - Comprehensive Downtown Redevelopment Plan

With completed *Downtown Redevelopment Plan Criteria Checklist*.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit L - Transit-Oriented Development District Map

Exhibit M - Credit Enhancement Agreement(s)

CREDIT ENHANCEMENT AGREEMENT

between

THE CITY OF AUBURN, MAINE

and

AGREN APPLIANCE SERVICE

DATE: _____, 2023

TABLE OF CONTENTS

ARTICLE I DEFINITIONS…… 3
Section 1.1. Definitions. 3
Section 1.2. Interpretation and Construction.....5

ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS .5
Section 2.1. Creation of Development Program Fund.....6
Section 2.2. Liens.....6
Section 2.3. Retention of Increment; Deposits into Development Program Fund. 6
Section 2.4. Use of Monies in Development Program Fund. 6
Section 2.5. Monies Held in Trust.....7
Section 2.6. Investments. 7
Section 2.7. Reporting Obligations. 7

ARTICLE III PAYMENT OBLIGATIONS 7
Section 3.1. Company Payments. 7
Section 3.2. Failure to Make Payment. 7
Section 3.3. Limited Obligation. 8

ARTICLE IV FURTHER INSTRUMENTS AND BOOKS AND RECORDS 8
Section 4.1. Further Instruments and City Costs.....8
Section 4.2. Access to Books and Records.....8

ARTICLE V DEFAULTS AND REMEDIES 9
Section 5.1. Events of Default.....9
Section 5.2. Remedies on Default. 10
Section 5.3. Remedies Cumulative. 10

ARTICLE VI EFFECTIVE DATE, TERM AND TERMINATION.....10
Section 6.1. Effective Date and Term. 10
Section 6.2. Cancellation and Expiration of Term. 10

ARTICLE VII ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST 11
Section 7.1. Pledge and/or Assignment. 11
Section 7.2. Transfer 11

ARTICLE VIII MISCELLANEOUS.....11
Section 8.1. Successors. 11
Section 8.2. Parties-in-Interest. 12
Section 8.3. Severability. 12
Section 8.4. No Personal Liability. 12
Section 8.5. Counterparts. 12
Section 8.6. Governing Law. 12
Section 8.7. Amendments. 12
Section 8.8. Integration. 13

Section 8.9. Dispute Resolution.....13
Section 8.10. Records.....13
Section 8.11. Notices.....13

THIS CREDIT ENHANCEMENT AGREEMENT dated as of _____ __, 2023, between the City of Auburn, Maine (the "City"), a municipal corporation and political subdivision of the State of Maine, and Agren Appliance Service Corporation (the "Developer"), a Maine Corporation with a principal place of business located at 11 Adamian Drive, Auburn, Maine.

WITNESSETH THAT

WHEREAS, the Developer owns property located on Adamian Drive in Auburn, Maine next to its corporate headquarters (the "Property"), and intends to construct a new 51,000 square foot warehouse on the Property (the "Project"); and

WHEREAS, the City designated the Agren Appliance Warehouse Tax Increment Financing Development District #28 (the "District") pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, by vote at a City Council Meeting held on June 20, 2023 (the "Vote"), and

WHEREAS, the City received the approval of the District and the Development Program by the Maine Department of Economic and Community Development dated _____; and

WHEREAS, the City authorized the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to an Order of the City Council, adopted on June 20, 2023; and

WHEREAS, the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the credit enhancement agreement contemplated and described in the Development Program; and

WHEREAS, the estimated cost of off-site improvements required in connection with the development of the Property is estimated to be approximately $10,000,000; and

WHEREAS, the cost to construct the Project and maintain the commercial activity and employment opportunities in the City of Auburn requires financial assistance from the City to ensure completion of the Project; and

WHEREAS, completion of the Project will contribute to the economic growth and well-being of the City, and enable public facilities and improvements to the betterment of the health, welfare and safety of its inhabitants; and

WHEREAS, the City has decided to induce the Developer to undertake the Project through the use of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

"Act" means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

"Agreement" shall mean this Credit Enhancement Agreement between the City and the Developer dated as of the date set forth above, as such may be amended from time to time.

"CEA Year(s)" shall have the meaning given such term in Section 2.3(a) hereof.

"City" shall have the meaning given such term in the first paragraph hereto.

"City Project Cost Subaccount" means that portion of the Project Cost Account of the Development Program Fund set aside for the City uses as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof.

"City Payments" means for each CEA Year the Developer Percentage of the Increased Assessed Value payable in accordance with the terms of this Agreement.

"Commissioner" means the Commissioner of the Maine Department of Economic and Community Development.

"Current Assessed Value" means the then current assessed value of real property within the District as determined by the City Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

"Department" means the Maine Department of Economic and Community Development.

"Developer" shall have the meaning given such term in the first paragraph hereto.

"Developer Percentage" means fifty percent (43%) of the Increased Assessed Value in each Tax Year on which Property Tax payments are made by the City to the Developer as City Payments under the terms of this Agreement.

"Developer Project Cost Subaccount" means that portion of the Project Cost Account of the Development Program Fund set aside for the Developer as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof

"Developer Property" or "Property" means the total of 11.64 acres that comprises the District, consisting of three parcels identified on the City's tax maps as Map 121, Lot 002, Map 109, Lot 003 and Map 109, Lot 004.

"Development Program" means the development program and financial plan for the District adopted by the City, as amended.

"Development Program Fund" means the Agren Appliance Warehouse Municipal Development and Tax Increment Financing Development Program Fund described in the Financial Plan section of the Development Program and established and maintained pursuant to Article II hereof and 30-A M.R.S.A § 5227(3)(A).

"District" shall have the meaning given such term in the first recital hereto, which is more specifically comprised of approximately 11.64 acres of real property and identified in Exhibits B, C and D to the Development Program and any future improvements to such real property.

"Financial Plan" means the financial plan described in the "Financial Plan" Section of the Development Program.

"Fiscal Year" means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

"Increased Assessed Value" means, for each CEA Year, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in the corresponding CEA Year.

"Incremental Property Tax Payments" means all real property tax payments related to the Increased Assessed Value, inclusive of interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

"Original Assessed Value" means $1,051,500, the taxable assessed value of the real property within the District as of March 31, 2023 (April 1, 2022).

"Project Cost Account" means that portion of the Development Program Fund for the District as defined in the Financial Plan Section of the Development Program and established and maintained according to Title 30-A M.R.S.A. § 5227(3)(A)(1) and Article II hereof.

"Property Tax" means any and all *ad valorem* property taxes levied, charged or assessed against real property located in the District by the City, or on its behalf.

"State" means the State of Maine.

"Tax Increment Revenues" means that portion of all real property taxes assessed and paid within the District to the City in any Tax Year, excluding any state, or special district tax, including any scheduled payments thereof, interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

"Tax Payment Date" means the date(s) on which property taxes levied by the City are due and payable from the owners of property located within the City.

"Tax Year" shall have the meaning given such term in 30-A M.R.S.A. §5222(18), as amended, to wit: April 1 to March 31. Each Tax Year corresponds to a particular Fiscal Year. Each CEA Year occurs during a Fiscal Year.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before, the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

(e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II
DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

Section 2.1. Creation of Development Program Fund.

The City shall create and establish a segregated fund in the name of the City designated as "The Agren Appliance Warehouse Municipal Development and Tax Increment Financing District Fund" (hereinafter the "Development Program Fund") pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5227(3). The Development Program Fund shall consist of the Project Cost Account that is pledged to and charged with the payment of project costs as outlined in the Financial Plan of the Development Program and as provided in 30-A M.R.S.A. § 5227(3)(A)(1). The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S.A. § 5227(3)(B). The Project Cost Account shall also contain two subaccounts designated as the "Developer Project Cost Subaccount" and the "City Project Cost Subaccount."

Section 2.2. Liens.

The City shall not create any liens, encumbrances or other interests of any nature whatsoever, nor shall it hypothecate the Developer Project Cost Subaccount described in Section 2.1 hereof or any funds therein, other than the interest in favor of the Developer and/or the Trustee hereunder in and to the amounts on deposit.

Section 2.3. Retention of Increment; Deposits into Development Program Fund.

(a) Commencing with the Tax Year beginning April 1, 2024, and for a period not to exceed the term of the District, ending March 31, 2054 (each a "CEA Year" and collectively the "CEA Years" herein), the City shall retain at least the Developer Percentage of the Increased Assessed Value within the District for the benefit of the Developer as set forth herein.

(b) For each of the CEA Years, the City shall deposit into the Developer Project Cost Subaccount an amount equal to the Developer Percentage of each Incremental Property Tax Payment paid on Increased Assessed Value, up to a cumulative amount of $1,000,000. Such deposits shall be made by the City within 10 business days after the Property Tax due date at the time in effect; currently due semi-annually on each September 15 and March 15. In the event any such payment allocable to the Developer Percentage of Incremental Property Tax Payments is not timely paid to the City, the City shall deposit such payment (plus any allocable interest) within 10 business days of receipt of such payment.

(c) Notwithstanding anything to the contrary contained herein, all allocations to the Developer Project Cost Subaccount and payments to the Trustee for deposit therein shall cease at the conclusion of the term of this Agreement identified in Section 2.3(a) hereof subject to extension as identified in Section 6.1(a) hereof.

Section 2.4. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in the Developer Project Cost Subaccount shall in all cases be used and applied to fund fully the City's

payment obligations to Developer described in Articles II and III hereof. All monies required to be deposited in the Developer Project Cost Subaccount shall be used by the Developer for construction of the Project.

Section 2.5. Monies Held in Trust.

Except as otherwise provided in this Agreement, all monies required to be deposited with or paid into the Developer's Project Cost Sub-Account of the Development Program Fund are to fund payments to the Developer under the provisions hereof and the provisions of the Development Program for the benefit of the Developer in accordance with the provisions of this Agreement.

Section 2.6. Investments.

Monies in the Developer's Project Cost Sub-Account may be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts so invested are needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Sub-Account of the Development Program Fund.

Section 2.7. Reporting Obligations.

Developer covenants and agrees to provide the City promptly upon request with all documentation reasonably required by the City to confirm the costs and completion of the projects set forth in Section 2.4.

ARTICLE III
PAYMENT OBLIGATIONS

Section 3.1. Company Payments.

(a) The City agrees to pay Developer all amounts then on deposit in the Company Project Cost Subaccount, on or before thirty (30) days following the Tax Payment Date.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real property located in the District remain unpaid, because of a valuation dispute or otherwise, the City shall be under no obligation to pay Developer's share of the disputed portion of the Tax Increment Revenues to Developer. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall be applied to taxes due on account of Original Assessed Value and, next to Sinking Fund Account as applicable, to the taxes due on account of the allocation of TIF Revenues for the City Project Cost Subaccount, and next to the taxes due in account of the allocation of TIF revenues for the Company Project Cost Subaccount.

Section 3.2. Failure to Make Payment.

(a) In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Development Program Fund is insufficient to reimburse Developer for the full amount due to Developer under this Agreement the City shall be in breach of the terms hereof, and the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, subject to the limitations of Section 3.3 below.

Section 3.3. Limited Obligation.

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to Developer hereunder, whether or not actually deposited into Company Project Cost Subaccount in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

ARTICLE IV
FURTHER INSTRUMENTS AND BOOKS AND RECORDS

Section 4.1. Further Instruments and City Costs.

The City shall, upon the reasonable request of Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by Developer.

Section 4.2. Access to Books and Records.

(a) All non-confidential books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by Developer, its agents and employees.

(b) All non-confidential books, records, lease agreements and documents in the possession of Developer relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by City, its agents and employees.

ARTICLE V
DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an "Event of Default":

(a) Any failure by the City to pay any amounts due to Developer when the same shall become due and payable;

(b) Any failure by the City to make deposits into Development Program Fund, including the Company Project Cost Subaccount, as and when due;

(c) Any failure by the City or Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or Developer to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof;

(d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the Developer's affairs shall have been entered against the Developer or the Developer shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Developer or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Developer or the failure by the Developer to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Developer;

(e) If any secured lender of Developer accelerates the indebtedness owed to it;

(f) If any written representation or warranty given to the City by Developer is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent; and

(g) If Developer fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the Developer's secured lenders and/or

Developer allows mechanics' liens to encumber the Project for a period of more than sixty (60) days.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.9, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.9 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

ARTICLE VI
EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term.

This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof and shall expire upon the performance of all obligations on the part of the City and the Developer hereunder or upon any earlier termination as provided in this Agreement.

Upon receipt of such approval, this Agreement shall remain in full force from April 1, 2024 and shall expire March 31, 2036 or sooner upon the payment of all amounts due to Developer hereunder and the performance of all obligations on the part of the City hereunder, unless even sooner terminated pursuant to any other applicable provision of this Agreement.

Section 6.2. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII
ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Pledge and/or Assignment.

The City hereby acknowledges that Developer may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank or financial institution to Developer for the Project, although no obligation is hereby imposed on Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishment, perfection and protection of its interest herein. Developer shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Transfer

Except as specified in Sections 7.1 and 8.1 hereof, Developer shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE VIII
MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the City or Developer, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from

time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and Developer.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability.

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of the Developer contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of the Developer in his or her individual capacity, and no officer, employee or agent of the Developer shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Amendments.

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.8. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.9. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Auburn, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

Section 8.10. Records.

The City shall maintain a record demonstrating its calculation of the Increased Assessed Value and Tax Increment Revenues within the District as it relates to deposits to the Development Program Fund pursuant to Article II and payments to the Developer under Article III of this Agreement, and shall provide Developer with a copy of the same upon request.

Section 8.11. Notices.

All notices, certificates, requests, requisitions or other communications by the City or Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

Phillip Crowell
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

With a copy to:

Alyssa C. Tibbetts, Esq.
Jensen Baird Gardner Henry
10 Free Street
P.O. Box 4510
Portland, Maine 04112

If to Developer:

Jason Pauley, COO
Agren Appliance
11 Adamian Drive
Auburn, ME 04210

With a copy to:

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

_____

CITY OF AUBURN

By:_____
Name: Phillip L. Crowell, Jr.
Its City Manager Duly Authorized by the City Council on June 20, 2023

WITNESS:

_____

AGREN APPLIANCE SERVICE CORPORATION

By:_____
Name: Jason Agren
Its: President

Exhibit N - Municipality TIF Policy

City of Auburn, Maine
Business & Community
Development Department
Glen E. Holmes, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

TAX INCREMENT FINANCING POLICY AND GUIDELINES

The Business and Community Development Department will follow the following guidelines in establishing Tax Increment Financing (TIF) Districts and reviewing Credit Enhancement Agreement Applications.

I. Purpose and Introduction

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a more significant portion of County taxes. Specific municipal shelter benefits for the term of the TIF include No reduction in State aid for education, no reduction in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. It provides a means of financing Auburn's economic and community development goals as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all

of the incremental property tax revenues derived from new development or expansion of existing development. The captured tax revenues from a TIF District can finance municipal investments and City infrastructure projects. They can also be used to provide incentives or financing to private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines provide guidance and outline standards for developing TIFs and CEAs in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with these guidelines, creating a TIF District or authorizing a Credit Enhancement Agreement is a policy decision of the City to be evaluated by the City on a case-by-case basis. These guidelines or the creation of a TIF District do not create a right or entitlement to assistance by any applicant.

II. Eligibility for Assistance

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of $1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that offers developers reimbursement of a percentage of the property tax revenue paid on their property's increased assessed value (or incremental value). Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing notice is required to receive public comment on a completed CEA application at least ten days before a meeting at which the CEA is considered for approval by the City Council.

III. Application Process

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing one are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECO). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City. All recommendations for TIF assistance shall be based on the project's merits and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. After approval, they will monitor ongoing investments in the development project.

All applicants for TIF assistance must pay a $500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District, and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee of 2% of the incremental tax reallocated back to the project will be assessed.

IV. Waiver of Provisions

Under certain conditions, the City of Auburn reserves the right to waive the guideline provisions. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria for considering a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

V. Mandatory Guidelines

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the total capital investments needed to undertake the project
- Project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- Developer is financially capable of undertaking the project

- Developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

VI. Guidelines that Determine the Level of Municipal Participation

Although the applicant/applicant project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities with applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

VII. Transfer of Ownership

Credit Enhancement Agreements are non-transferable without prior approval of the City Council. Suppose the applicant wishes to transfer property ownership in the TIF District subject to a CEA to which the applicant is a party. In that case, the applicant must notify the Director of Business and Community Development in writing before finalizing the transfer. In writing, the prospective new owner must agree to accept the agreement's provisions as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

VIII. Annual Expenditure of TIF Revenues for Municipal Projects

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues, and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.

ORDER 90-06202023

City Council Order

IN CITY COUNCIL

ORDER OF THE AUBURN CITY COUNCIL

June 20, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Agren Appliance for the commercial development of certain property within its General Business zoning district located on Adamian Drive; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Agren Appliance Warehouse Municipal Development and Tax Increment Financing District #28 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial

City Council Order

detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

EXHIBIT I: RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #28 (the "Agren Appliance Warehouse Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Agren Appliance Warehouse Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the

City Council Order

Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: June 20, 2023 **Ordinance:** 06-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 12, General Business, Sec 60-500 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the General Business (GB) from 30 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.
From the Cities updated Comprehensive Plan, Future Land Use Chapter: *The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property.* The suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage of first reading.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Codification language text amendment DIV 12, General Business, Sec 60-500 (2)

Auburn Planning Board
City of Auburn
60 Court Street
Auburn, Maine 04210

May 5, 2023

RE: Zoning Ordinance Amendments to General Business, General Business II, and Industrial Districts

Dear Planning Board Members:

I am writing in support of the proposed amendments to the General Business, General Business II, and Industrial Districts to increase the total allowed building coverage from thirty percent to sixty percent. I am a Construction Executive with Manganaro Northeast and we operate a manufacturing facility, Prehung Doors, LLC on the property located at 353 Riverside Drive in Auburn. We support the proposed amendment because it is consistent with the City's Comprehensive Plan and it is generally good urban planning to allow higher density in business and industrial zones to encourage economic investments and growth in the City.

In order for our business to remain in Auburn, we need to expand our building. In planning our expansion, we realized that the allowed building coverage for our property is only thirty percent, which seemed low for a general business zone. Because the existing building on our property covers approximately twenty-five percent of the lot, we have very little room left to expand. I imagine that there are other business in our same boat, and some that may have already been forced to leave the City because they outgrew the requirements. The proposed amendments would allow us to construct a meaningful expansion that would allow us to stay and grow as part of the community in Auburn.

We appreciate the Board's time and attention to these amendments and ask that you recommend their adoption to the City Council.

Sincerely,

Joe Tardif

Joe Tardif

City of Auburn, Maine
Economic Development
Jay Brenchick, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601 X1218

Date: April 25, 2023

Re: Proposed Amendment to DIV 12, General Business, Sec 60-500 (2) DIV 13, General Business II, Sec. 60-526 (2) DIV 15 Industrial, Sec. 60-579 (2) to allow for increase of total lot area of 60 percent of commercial or office building density.

For consideration by the City of Auburn, Maine Planning Board:

The Economic Development Department works to retain existing businesses and attract new businesses. As the Director of Economic Development, I have found building density requirements are restricting economic development for the City of Auburn. In addition, changing our density requirement is in line with the City's updated Comprehensive Plan.

The City receives requests from local, national, and international businesses looking to expand or find a new location. These businesses are in the restaurant/retail, manufacturing, biotechnology/life sciences, forest products, marine/aquaculture, food/agriculture, clean energy, and professional services industries. Increasingly, these industries identify local building density requirements as a hinderance for their ability to do business.

Auburn-based businesses looking to expand, such as Prehung Doors, Inc., have pointed to other communities in Maine that do not have density requirements as a major factor when considering staying in Auburn or moving to another community.

When it comes to attracting new businesses, Auburn is in direct competition with Biddeford, Sanford, South Portland, and Waterville. All these localities do not have density requirements which gives them a major competitive advantage over Auburn.

This request is in line with new industry standards, our comprehensive plan, helps keep Auburn competitive, and fosters a business-friendly environment while helping increase our tax base.

Thank you for your consideration.

Respectfully,

Jay A. Brenchick

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

DRAFT

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on Zoning Text Density Change Applied to General Business, General Business II, and Industrial Zones.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Text Amendment: Consider amending Sec. 60-500 (2), Sec. 60-526 (2), and Sec. 60-579 (2) of the zoning ordinances to increase the maximum building coverage in the General Business (GB) and Minot Avenue (GBII) zoning districts from 30 percent coverage to 60 percent coverage, and increase the maximum building coverage in the Industrial (ID) zoning district from 40 percent coverage to 60 percent coverage as shown on the attached proposed text amendments. This topic is pursuant to Sec. 2-471.- public Hearings.

MOTION: Riley Bergeron makes a motion; David Trask seconds.

I make a motion to make a favorable recommendation to City Council to amend text Chapter 60, Article IV, DIV 12, General Business, Sec 60-500 (2) DIV 13, General Business II, Sec. 60-526 (2) DIV 15 Industrial, Sec. 60-579 (2) to allow for a total lot area of 60 percent of commercial or office building density.

AMENDMENT: Tim DeRoche makes a motion; Darren Finnegan Seconds.

"I make a motion to amend the motion to raise it to 75% of commercial or office building density." **VOTE:** 2-5-0 Motion fails.

VOTE: 7-0-0 Original Motion passes.

Sec. 60-500. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).

(2) *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in

excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)

ORDER 06-06202023

City Council Order

IN CITY COUNCIL

Amending the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations below.

(2) → *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: June 20, 2023 **Ordinance:** 07-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 13, General Business II, Sec 60-526 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the General Business II (GBII) from 30 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.
From the Cities updated Comprehensive Plan, Future Land Use Chapter: *The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property.* The suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage of first reading.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Codification language text amendment DIV 13, General Business II, Sec 60-526 (2)

Sec. 60-526. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* No building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).

(2) *Density.* Not more than 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021)

ORDINANCE 07-06202023

City Council Order

IN CITY COUNCIL

Amending the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations below.

(2) → *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: June 20, 2023 **Ordinance:** 08-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 15, Industrial Zoning District , Sec 60-579 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the Industrial Zone from 40 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.
From the Cities updated Comprehensive Plan, Future Land Use Chapter: *The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property.* The suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage of first reading.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Codification language text amendment DIV 15, Industrial Zoning District, Sec 60-579 (2)

Sec. 60-579. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth.

(2) *Density.* Not more than ~~40~~ 60 percent of the total lot area shall be covered by buildings.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or are required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge.

g. *Landscaping.* Landscaping shall be provided and maintained as follows:

1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.

2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building.

3. All lots which abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.

4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet.

5. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement.

Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas.

(4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.71C; Ord. No. 11-03012021, § 36, 3-15-2021)

ORDINANCE 08-06202023

City Council Order

IN CITY COUNCIL

Amending the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations below.

(2) → *Density.* Not more than ~~40~~ 60 percent of the total lot area shall be covered by buildings. ¶

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Ordinance:** 09-06202023

Author: Planning and Permitting Dept.

Subject: First Reading of Zone Change Petition for 37 Loring Avenue (Parcel I.D. 211-282)

Information: On June 6, 2023, Auburn Planning Board held a public hearing on a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multifamily Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

During the public hearing, Planning Board raised questions about access to and through the property, stating the concern about the entry being only on Loring Ave. They also inquired why the proposal was to change the zone to Multifamily Suburban rather than T-4.2B, anticipating that a zone change covering a larger area to T-4.2B would come before the planning board soon. The applicant submitted a petition to rezone the property to MFS rather than T-4.2B because the property is adjacent to another property which is already zoned MFS, and this zone change would constitute an expansion of an existing zone which would still allow for greater housing density. The Planning Board voted to not accept the zone change. They cited safety and traffic concerns as their reason for not supporting the proposed zone change.

City Budgetary Impacts: N/A

Staff Recommended Action:
Staff originally supported the zone change petition from Urban Residential to Multifamily Suburban because it is a step closer to achieving higher density housing supported in the Comprehensive Plan, providing similar results to T-4.2B. The Planning Board will consider applying T4.2B zoning to a larger area, including this parcel, in July. Staff suggests Council review the Planning Board's findings, discuss, and vote not to pass the Change to Multi-Family Suburban on the first reading.

Previous Meetings and History:
June 6, 2023- Planning Board Public Hearing

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: 6/6/2023 Staff Report, Signed Petition initiating zone change, Chapter 60, Division 7-Multifamily Suburban District, Planning Board Recommendation to Council (Motion).

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director Planning and Permitting
Re: Zone Change Petition for 37 Loring Avenue (Parcel I.D. 211-282)
Date: June 6th, 2023

I. Proposal: Petition/ Zone Change Request:

Auburn voters submitted a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

Materials:

1. Staff Report
2. Petition, Receipt and Map
3. Division 7 Multifamily Suburban
4. Comprehensive Plan Growth Area (Staff Report)

II. Background:

Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A)
One of the primary tests of a zone change is its conformance with the Comprehensive Plan.

The 2021 Comprehensive Plan provides standards and mechanisms to consider if rezoning the parcel is logical. The first Comprehensive Plan supported option to approach this proposal is to rezone the area of the parcel proposed in the petition as an expansion of an existing historic core as referenced in the Comprehensive Plan: Otherwise known as growth areas:

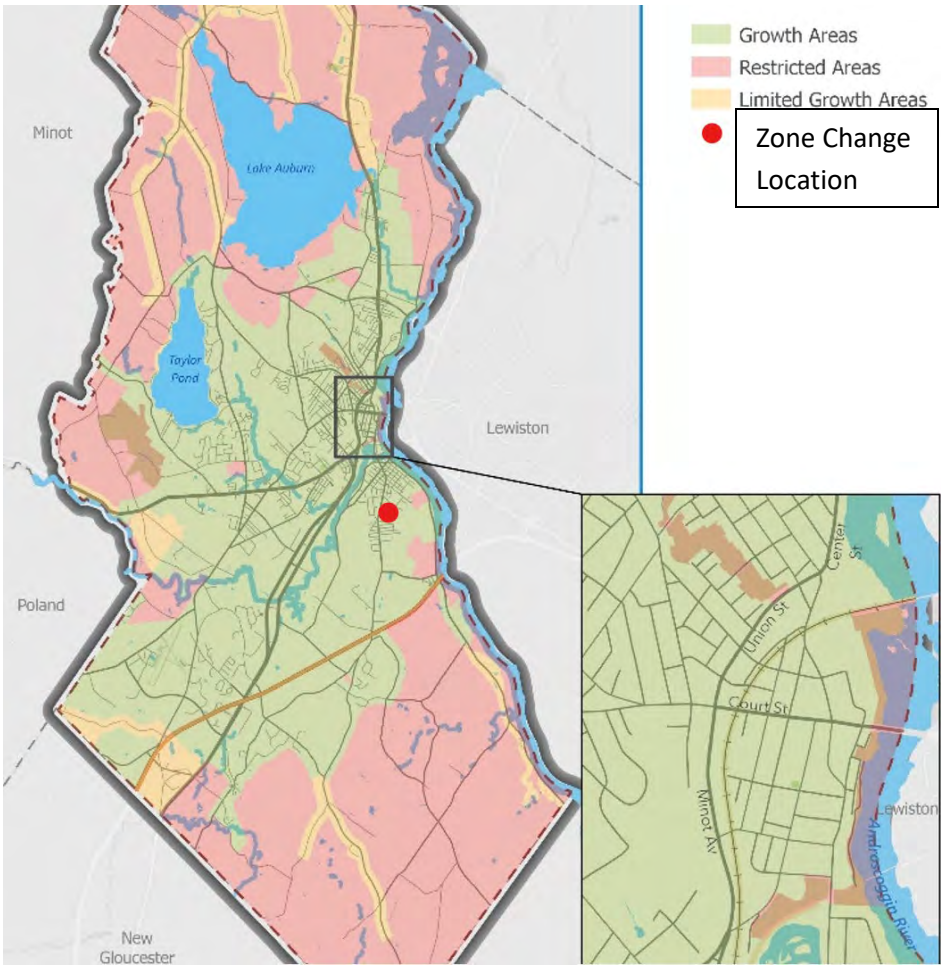


Figure 1—Growth Area —Zone Change Location.

"The Future Land Use Plan shows graphically how the City's land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that this Future Land use Plan will guide near-term revisions to the City's zoning ordinance and maps to assure that the City's land use regulations are consistent with the policies set forth in this Comprehensive Plan. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate.

This Future Land Use Plan reaffirms the basic objective of land use planning, that development in Auburn should grow out from the historic cores (downtown, Danville, New Auburn, West Auburn, and East Auburn) and from older established neighborhoods. This policy was originally set forth in the City's first Comprehensive Plan over held a century ago and has continued to guide the City's land use planning ever since. We continue to believe that growth out from the downtown core and older established neighborhoods provide the most efficient utilization of city services," (Ch. 2 P. 86).

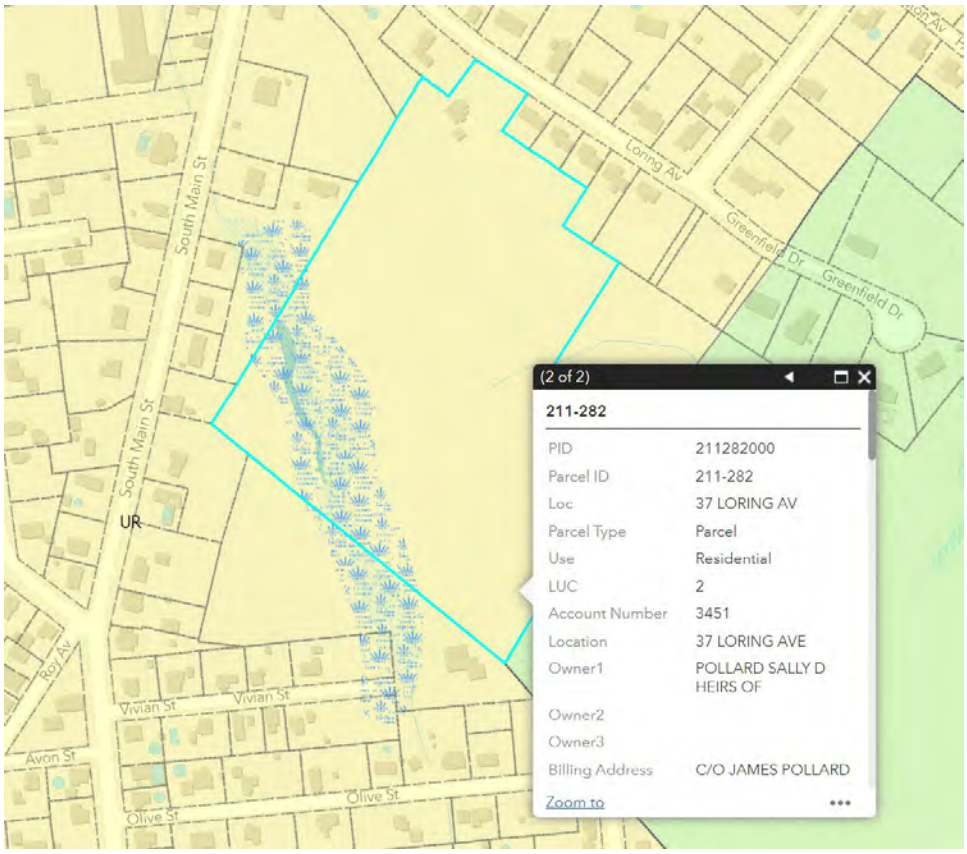


Figure 2—37 Loring Avenue—the change area requested (Urban Residential to Multi-Family Suburban) in the petition.

Planning Board Action:
Staff recommends that the planning board hold a Public Hearing and decide whether it is a good location to change 15.50 acres as petitioned, from Urban Residential to Multi-family Suburban.

III. Suggested Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, City Zoning maps with Parcels identified, 500' abutters list, on May 9, 2023, thus meeting the time frame and submission standards (Sec. 60-1446).
2. The proposal can be implemented without detriment to city resources.
3. The proposal meets the general future land use plan pattern of development and is consistent with the current comprehensive plan.
4. The zone change will occur outside the Lake Auburn watershed.

V. Suggested Motion:

A. I make a motion to recommend amending 15.50 acres as petitioned, Urban Residential to Multi-Family Suburban pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

REZONING PETITION

To amend the Urban Residential zoning map (PID 211-282) at 37 Loring Avenue

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 12 TOTAL INVALID 14

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 5/4/2023 Signature of Registrar: Susan Clements-Dallaire

DATE & TIME PETITION RECEIVED
5/4/2023
1:59 pm

Total Approved: 25 Signatures

S. Blais
D. Director Planning & Permitting
5.9.23

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Urban Residential (UR) zoning map of the zoning ordinance on (PID 211-282), at 37 Loring Avenue to allow for a 15.50-acre zone change of UR to Multi-Family Surburban (MFS) to support needed higher density opportunities in an otherwise residential zoned neighborhood along Loring Avenue. The abutting lot is currently zoned Multi- Family Surburban or Urban Residential and the lot would be served by public sewer and water.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as a growth area and recent PB workshop discussions included this area as potential formed based code 4.2 or 4.2B. The lot is outside the floodplain.

	Print Name	City of Auburn Legal Address	Signature
NR	1. Jesse Nuzzo	96 Wester Ave apt 2	
NR	2. Marcel Boldue	34 JOAT MON DR	
NR	3. Anita Poliquin	96 WESTERN Ave. APT #1	Auburn Anita Poliquin
✓	4. Lisa Chamberlain	309 N. Auburn Rd.	
✓	5. Diane M Bryant	75 CHRIST AVE Aub.	Diane M Bryant
NR	6. Tara Kent	98 western Ave AUB	
✓	7. Jeffrey Daniels	26 Newell Ave	
NR	8. Tony Cortez	82 RIVERSIDE DR.	
NR	9. Theresa Lamare	49 Giroux St	
NR	10. Jeffrey Lamare	49 Giroux St	
NR	11. Wanda Grube	96 Western Ave	
NR	12. Charles Poliquin	96 Western Ave	
✓	13. JAN BIRON	94 WESTERN AVENUE AUB.	
✓	14. Jaimie Chamberlain	309 N Auburn Rd	
NR	15. William Chamberlain	37 Whitney St.	
NR	16. ~~None Petitioner~~ Matthew Bragdon	~~91 Pride Rd~~ 37 Whitney St.	Matthew Bragdon
✓	17. Nancy Perron	91 Pride Rd	
NR	18. Tyson Cote	37 whitney st	
✓	19. ~~Tony Cote~~	37 whitney St	Timothy Cote
NR	20. Isaac Cote	37 whitney Street	
NR	21. Alex Merchant	99 Bradmen Rd auburn	
✓	22. John Cameron Caron	99 Bradmen St Auburn	
✓	23. Steven Church	100 Broadmoor St	
✓	24. Cynthia Taylor	333 Park Ave	
✓	25. Donald Taylor	333 Parks Ave	Donald Ed Taylor
✓	26 Beth Nuzzo	15 Church St Aub	Elizabeth
	27.		

REZONING PETITION

To amend the Urban Residential zoning map (PID 211-282) at 37 Loring Avenue

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 11 TOTAL INVALID 0

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 5/4/2023 Signature of Registrar: Susan Clements-Dallaire

DATE & TIME PETITION RECEIVED
5/4/2023
1:59 pm

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Urban Residential (UR) zoning map of the zoning ordinance on (PID 211-282), at 37 Loring Avenue to allow for a 15.50-acre zone change of UR to Multi-Family Surburban (MFS) to support needed higher density opportunities in an otherwise residential zoned neighborhood along Loring Avenue. The abutting lot is currently zoned Multi- Family Surburban or Urban Residential and the lot would be served by public sewer and water.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as a growth area and recent PB workshop discussions included this area as potential formed based code 4.2 or 4.2B. The lot is outside the floodplain.

	Print Name	City of Auburn Legal Address	Signature
✓	1. MICHAEL GENDELL	16 CLIFF ST.	
✓	2. Nicholas LeBlond	35 Lexis Ln	
✓	3. Evelyn LeBlond	35 Lexis Ln	
✓	4. Peggy Jordan	177 sixth St.	
✓	5. Kristy Dawn Davin	192 Summer St	
✓	6. William White	123 E Minot Ave	
✓	7. Cody Pleau	14 Lake Auburn Ave	
✓	8. KELSEY JOHN	52 PRESIDENTIAL WAY	
✓	9. T. PLATE Thomas Plate	100 EVERGREEN	
✓	10. Oncle Legasse	211 Summer st 1st fl	
✓	11. SYLVIA Fish	261 Townsend Ave. 04210	
	12.		
	13.		
	14.		
	15.		
	16.		
	17.		
	18.		
	19.		
	20.		
	21.		
	22.		
	23.		
	24.		
	25.		
	26		
	27.		

REZONING PETITION

To amend the Urban Residential zoning map (PID 211-282) at 37 Loring Avenue

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 1 TOTAL INVALID 0

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 5/4/2023 Signature of Registrar: Susan Clements-Dallaire

DATE & TIME PETITION RECEIVED
5/4/2023
1:59 pm

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Urban Residential (UR) zoning map of the zoning ordinance on (PID 211-282), at 37 Loring Avenue to allow for a 15.50-acre zone change of UR to Multi-Family Surburban (MFS) to support needed higher density opportunities in an otherwise residential zoned neighborhood along Loring Avenue. The abutting lot is currently zoned Multi- Family Surburban or Urban Residential and the lot would be served by public sewer and water.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as a growth area and recent PB workshop discussions included this area as potential formed based code 4.2 or 4.2B. The lot is outside the floodplain.

Print Name	City of Auburn Legal Address	Signature
1. Marcia White	212 [redacted] St. Sunderland	Marcia White
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26		

REZONING PETITION

To amend the Urban Residential zoning map (PID 211-282) at 37 Loring Avenue

REGISTRAR'S CERTIFICATION

MUNICIPALITY Auburn TOTAL VALID 1 TOTAL INVALID 0

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 5/5/2023 Signature of Registrar: Susan Clements-Dallaire

DATE & TIME PETITION RECEIVED
5/5/2023
9:17 AM

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Urban Residential (UR) zoning map of the zoning ordinance on (PID 211-282), at 37 Loring Avenue to allow for a 15.50-acre zone change of UR to Multi-Family Surburban (MFS) to support needed higher density opportunities in an otherwise residential zoned neighborhood along Loring Avenue. The abutting lot is currently zoned Multi- Family Surburban or Urban Residential and the lot would be served by public sewer and water.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as a growth area and recent PB workshop discussions included this area as potential formed based code 4.2 or 4.2B. The lot is outside the floodplain.

Print Name	City of Auburn Legal Address	Signature
1. Judith Prentice	337 Pownal Rd. Auburn ME 04210	Judith Prentice
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26		
27.		

28.		
29.		
30.		
31.		
32.		
33.		

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Multifamily dwellings in existence on September 23, 1988.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Shelter for abused persons.

(7) Accessory uses, buildings or structures.

(8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(9) Municipal uses and buildings.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).

(2) Off-street parking lot, provided that:

a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.

b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.

(3) Professional offices.

a. Shall be in buildings which are listed on the state resource list and/or federal historic register.

b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.

c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.

(4) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021)

Sec. 60-307. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations.

(1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:

a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.

(2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

a. Multifamily buildings shall have a maximum height of 45 feet from grade.

b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Secs. 60-308—60-332. Reserved.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

DRAFT

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on 37 Loring Ave. Map Amendment proposing changing the parcel from Urban Residence (UR) to Multifamily Suburban (MFS).

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: Auburn voters submitted a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Toni Ferraro makes a motion; Tim DeRoche seconds.

"My motion is not to go forward my findings are (that) if you go down Loring Ave, I really do not understand how you could fit a firetruck down there or the amount of traffic that would come along with a larger development for multifamily (buildings)". Riley Bergeron clarifies that the reasons to deny the proposal are safety and traffic. Toni Ferraro confirms this is the intention. **VOTE**: Motion passes to not recommend the zone change 7-0-0.

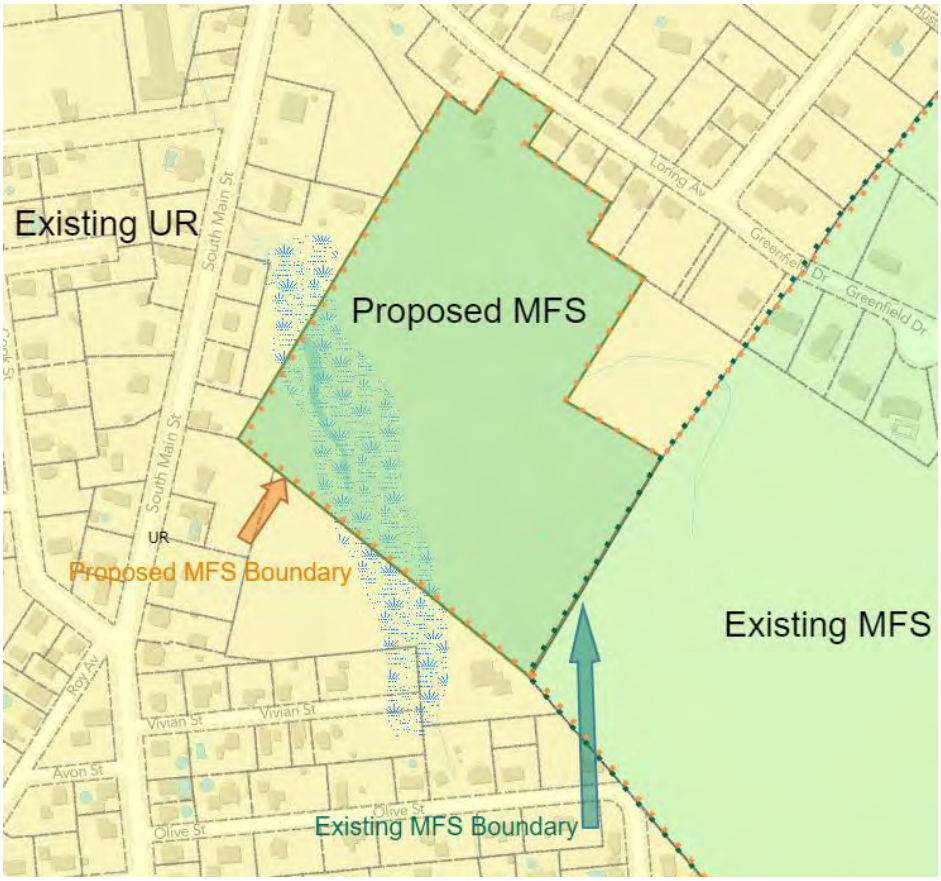
ORDINANCE 09-06202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zone Change Petition to amend the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban

Be it ordained, That the Auburn City Council amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue on Auburn Tax Map Parcel I.D. 211-282 from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district as shown in this packet.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Ordinance:** 10-06202023 and **Order:** 91-06202023

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)).

Information: Additional information about the collaboration with various interest groups leading up to this First reading is available in the attached AGRP Staff report to the Planning Board dated 6/6/2023. At the 6/6/2023 Planning Board Public Hearing the Board passed a favorable recommendation on to the City Council to adopt "Proposal B," with recommended amendments to the draft. Those recommended amendments are detailed in the attached memo (Titled: Planning Board recommendation to City Council on AGRP Zone Proposals A and B) from The Auburn Planning Board to the City Council dated 6/6/2023. Staff worked with legal counsel to determine which amendments could be made without a new public hearing at the Planning Board and it is staff's opinion that some are more substantive than others. Our Counsel recommends that all the Planning Board recommended changes to Proposal B should be reviewed at a Public Hearing with the Planning Board prior to adopting the changes to Proposal B. The Council has a choice to reject or adopt Proposal A, Proposal B or adopt Proposal B with changes recommended by Planning Board. We know that the process has taken longer than desired by the Council and we are past the deadline given for the process. One option is to approve Proposal B and then choose to refer some or all of the recommended changes from Planning Board back to the Planning Board for a Public Hearing and then they will return for future consideration by the Council. The draft Proposal B with recommended changes appears to have wide community support. The legal process makes it difficult to adopt all of the changes recommended by the Planning Board tonight and to stay on schedule for a second and final reading on July 10th.

City Budgetary Impacts: None immediately. New homes will come with new costs for services and new tax revenues, but exact numbers will depend on home values and service demands.

Staff Recommended Action: Staff recommends that the Council adopt first reading of Proposal B and refer the Planning Board recommended changes back to the Planning Board for a Public Hearing and future consideration by the Council.

Previous Meetings and History: September 9, 2022—City Council passes Resolve 06-09062022, October 11, 2022—Planning Board is introduced to Resolve 06-09062022, November 7, 2022—City Council passes Order 151-11072022, November 15, 2022—Planning Board holds first workshop to consider Resolve 06-09062022, and Order 151- 11072022. Received recommendation from SNRB, December 5, 2022—City Council responds to

questions submitted by SNRB, December 13, 2022—Planning Board workshop to consider Resolve 06-09062022, and Order 151-11072022, and received SNRB recommendation, January 10, 2023—Planning Board workshop on Resolve 06-09062022, and Order 151-11072022 and decide conservation values and prioritization matrix for mapping and community survey, February 14, 2023— Planning Board workshop on Resolve 06-09062022, and Order 151-11072022/ received survey and mapping results, March 6, 2023—City Council extends recommendation deadline to April 18, 2023, March 28, 2023—Public Hearing on text and map amendments, April 2, 2023—Planning Board delivers Council recommendations, April 18, 2023 Joint PB and CC Workshop drafted Proposal A, May 9, 2023 Planning Board Public hearing and directive to staff to draft Proposal B incorporating public comments and strengthening connection between home and permitted land use, Jue 6 Planning Board Public hearing and recommendation.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Proposal B, Staff Report to Planning Board 6/6/2023, Planning Board recommendation to City Council on AGRP Zone Proposals A and B

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP Zone Proposals A and B.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at https://www.auburnmaine.gov/pages/government/planning-board-agendas and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

MOTION: Tim DeRoche makes a motion; Toni seconds.

"I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal "B", Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal "B", and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in "Proposal B."

The following motions are amendments to the main motion, above.

Motions 1-7 are directly from Evan Cyr's proposed amendments to Proposal "B", submitted 6/6/2023.

Motions 8-9 are from AGRP Zone Group public comment from Steve Beale dated 6/5/2023.

1. **MOTION:** Riley Bergeron; Second: David Trask

Riley Bergeron suggests an amendment for "Sec. 60- 145 (a)(1)(a) to include the language 20% of 2 acres, which ever is less" in reference to lot size. Dave Trask seconds. **VOTE**: Amendment passes 7-0-0

2. **MOTION:** Riley Bergeron; Second: David Trask

Riley Bergeron offers another amendment that 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses rather than just farming. Dave Trask Seconds. **VOTE:** Amendment passes 7-0-0

3. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron would also like to include an amendment for Section 60-145(a)(1)(b)(vii) to read not be sited in any portion of a parcel that has been classified as being: "a. Enrolled in the State of Maine Farmland Tax Program in the last five years, or" **VOTE:** Amendment passes 6-1-0

4. **MOTION:** Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for section 60-145(a)(1)(c) which only references Section 60-145(a)(1)(a) but there are also requirements for a residence later in that section. This could be accomplished by reading, "No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements set forth in Section 60-145(a)(1)(a) and Section 60-145(a)(1)(b)(ii) have been presented" **VOTE:** Amendment passes 7-0-0.

5. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron also offers an amendment to Sec. 60-145 (a)(1)(d) for it to read: "which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Section 60-145(a)(1)(b)(ii). **VOTE:** Amendment passes 6-1-0

6. **MOTION:** Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for Section 60-146(1) to read, "and measuring less than 250 feet in width at the street frontage along a publicly accepted street," **VOTE:** Amendment passes 4-3-0

7. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron offers an amendment on Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less.

Riley Bergeron clarifies that his amendment refers to where the house should be set on the lot, the same text provided as public comment. David Trask also seconds after this clarification. **VOTE:** Amendment passes 7-0-0

8. **MOTION:** Tim DeRoche; Second: Riley Bergeron

Tim DeRoche proposes an amendment found in Mr. Beale's public comment in Section 145(a)(3) that 'firewood processing and Christmas tree cultivation' should follow the words maple sugaring." **VOTE:** Amendment passes 7-0-0

9. **MOTION:** David Trask; Second: Toni Ferraro

David Trask offers an amendment that in Section 145(b)(8)(a) the words except for approved conservation cemeteries which shall be at least 10 acres in size" should be added. **VOTE:** Amendment passes 7-0-0

10. MOTION: David Trask; Second: Toni Ferraro

David Trask would like to amend where referenced the Lake Auburn watershed to include the Taylor Pond watershed as well. **VOTE:** Amendment passes 7-0-0

MOTION: Tim DeRoche; Second: David Trask

"I make a motion to approve the B option with said amendments (1-10)" **VOTE:** Motion passes 7-0-0.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Public Hearing and Text Amendment on AGRP Zone Proposals A and B
Date: June 6, 2023

I. Proposal:

The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at https://www.auburnmaine.gov/pages/government/planning-board-agendas and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

II. Materials:

1. Staff Report 6/6/2023
2. AGRP District Zoning Text Amendments- Proposal "A"- presented at the Planning Board Public Hearing 5/9/2023.
3. AGRP District Zoning Ordinance Text Amendments- Proposal "B" as directed by Planning Board for Planning Board Public Hearing 6/6/2023
4. Public Comment submitted 5/16/2023
5. Public Comment Submitted 5/30/2023

III. Planning Board Action:

The purpose of this public hearing is to hear from the community, to review the latest draft ordinance text, and to make a recommendation to the City Council on eliminating the income standard (outside Lake Auburn watershed). At the May 9, 2023, Planning Board meeting, the Planning Board held a public hearing on Proposal "A", drafted by the Planning Board and City Council. Staff recommended at the meeting that the Planning Board not approve the proposed text amendments and offered an alternative that a text and/or map amendment changing the zoning to Residential in defined areas in AGRP zone outside the Lake Auburn watershed could meet residential demand with fewer unintended consequences. That combined a modified version of the residential strip map while maintaining the concept of growing outward from the core. It also creates significant new opportunities for housing and leaves much of the AGRP zone functions in place. The option that staff recommended at the May 9, 2023, meeting would have upheld the income requirement in the remaining AGRP zone. Also, during this meeting, staff supported the possibility of an alternative proposal reflecting alternative connections between housing and agriculture as well as other permitted uses, not just traditional farms, as recommended by the Comprehensive Plan.

At the May 9, 2023, meeting, in addition to Proposal "A", a group of interested residents of Auburn, calling themselves the AGRP zone group, offered an alternative ordinance draft amendment as public comment which also eliminated the income standard, but added criteria to maintain the connection of housing to agriculture. The Board found strengths in Proposal "A" and in the public comment ordinance draft; specifically, that Proposal "A" afforded environmental protections that were not explicitly named in the existing, codified AGRP zone, but also that the public comment ordinance draft maintained a connection to agriculture that Proposal "A" did not. The Board decided to hold a hearing on a draft ordinance text amendment which accomplished the strengths in both Proposal "A" and the public comment ordinance draft. As such, Evan Cyr made a motion to table (the vote on whether to remove the income standard) until the next meeting (June 6, 2023) with direction to staff to create ordinance text amendment options for the Planning Board to review that incorporates the ideas presented in the AGRP zone group draft (presented as public comment during the May 9, 2023 public hearing) regarding tying residences to uses within the AGRP zone that would be congruent with the Comprehensive Plan and Proposal "A" originally presented for the May 9, 2023 meeting.

Staff has responded to this direction by drafting Proposal "B", which maintains the environmental protections and eliminates the income requirement as introduced in Proposal "A" and maintains the connection of housing to agriculture as a prerequisite for residential development. Proposal "B" goes further to expand the possible connection of housing as accessory to not only agriculture, but also other allowed uses in the AGRP zone including forestry, natural resource uses, and recreational uses. These connections expand the possibility of residential development in the AGRP zone because the range of uses which allow an accessory residential dwelling will be broadened, but it maintains the purpose and much of the fabric of the AGRP zone, while eliminating the income standard. Two proposed ordinance text amendments are before the Planning Board as Proposal "A" presented at the Planning Board Public Hearing 5/9/2023, and Proposal "B" as directed by Planning Board for Planning Board Public Hearing 6/6/2023. We have outlined the differences between the two proposals below.

The differences between Proposal "A" and Proposal "B" are as follows:

1. Proposal "B" adds the definition of "natural resource uses" to Sec. 60-2
2. Proposal "B" updates Sec. 60-2 by adding the definition of "recreational uses of land" to include sports field complexes larger than one acre in area, health and wellness centers, facilities for wedding or event venues when used for two or more events during a calendar year and includes "major recreational uses of land" and "recreational uses of land, small scale".
3. Proposal "B" adds the definition of "Recreational uses of land, small scale".
4. In Sec. 60-145(a)(1), Proposal "A" strikes the requirement that new dwellings are accessory to farming operations while Proposal "B" expands the requirement that new dwellings be connected to agriculture and recreational and natural resource uses, and adds criteria for determining whether the farm, recreational or natural resource use plan is acceptable. Both proposals add specification that residential development must be restricted to 20% of land coverage, and both define what constitutes residential development and introduce environmental restrictions for sitting this development. Both also remove the provision that dwellings connected to farm uses must remain connected to such uses.
5. Proposal "B" expands Sec. 60-145(a)(3) by including maple sugaring and mushroom cultivation, and other similar forest product uses.

6. Proposal "B" expands Sec. 60-145(a)(10) expands on the handling, storage and dale of agricultural products to add "processing" and "forestry products" and removes the provision that such products be derived from the property where the dwelling is sited.
7. Proposal "B" adds Sec. 60-145(a)(17) "natural resource uses".
8. Proposal "B" adds Sec. 60-145(a)(18) "small -scale recreational uses of land designed or intended for public use".
9. Proposal "B" changes Sec. 60-145(b)(5) special exception recreational uses are as "non-small scale".
10. Proposal "A" adds the same environmental restrictions as Sec. 60-145(a)(1) to Sec. 60-145 (b)(18) while Proposal "B" strikes any lot size distinctions for dwellings on legally existing lots from 6.1 to 10 acres in area.
11. In Sec. 60-146(1)(c), Proposal "B" adds the word "lawfully" to specify which lots existing as of October 1, 2017, are buildable, and strikes the requirement that these cases be treated as special exceptions.
12. Proposal "B" changes Sec. 60-952(b) prohibits new dwellings in the Lake Auburn Watershed portions of the AGRP zoning district.

IV. Suggested Motion:

I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal "B", Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal "B", and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in "Proposal B".

BE IT ORDAINED, that the City Council hereby approves the amendment of the text and map of Chapter 60, Zoning, of the Code of Ordinances as follows:

---

1. Amend Sec. 60-2 of ARTICLE I, IN GENERAL, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE I. IN GENERAL

● ● ●

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

● ● ●

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

● ● ●

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

● ● ●

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, sports field complexes larger than one (1) acre in area, health and wellness centers, motorhome or recreational vehicle parks or commercial campgrounds, and facilities for wedding or event venues when used for two or more events during a calendar year, or facilities for mass gatherings when used for two or more events during a calendar year. *See also* "Major recreational use of land" and "Recreational uses of land, small-scale".

Recreational uses of land, small-scale means permanent uses of outdoor space that are intended or designed for public use that are smaller or lower impact than other types of recreational uses of land, and include, but are not limited to, trails, water access or boat access facilities, foraging, outdoor education or training facilities, sports field complexes one (1) acre or less in area, and public gardens.

● ● ●

---

2. Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of S~~s~~ec.~~tion~~ 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~ The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter;

and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c~~b~~. No certificate of occupancy shall be issued for any such ~~farm~~ residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the

requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official~~er~~ charged with authority to issue the certificate of occupancy~~enforcement are 75 percent completed~~.

d~~c~~. In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

~~d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest, including, but not limited to, maple sugaring or mushroom cultivation.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage or processing and sale of forestry products or agricultural~~e~~ ~~produce~~products ~~and processed agricultural products derived from produce grown on the premises~~.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in S~~s~~ec.~~tion~~ 60-1501.

(17) Natural resource uses.

(18) Small-scale recreational uses of land designed or intended for public use.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Non-small scale ~~R~~recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Ssec.~~tion~~ 60-1501, subject to the following conditions:

(18) [RESERVED]~~One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:~~

~~a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and~~

~~b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and~~

~~c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~

~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~

~~2. The parcel can reasonably accommodate the proposed farm.~~

~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~

~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~

~~5. The proposed residence shall be accessory to farming.~~

~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~

~~d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.~~

~~e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~

~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~s~~Sec.~~tion~~ 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under S~~subs~~ec.~~tion~~ 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Ssec.~~tion~~ 60-2.

c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing ~~greater than 6.1 acres but~~ less than ten acres~~,~~ only if approved ~~as a special exception~~ pursuant to ~~subs~~Sec.~~tion~~ 60-145(~~a~~b)(1~~8~~).

(2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

---

3. Amend Sec. 60-952 of ARTICLE XII, ENVIRONMENTAL REGULATIONS, DIVISION 4, *LAKE AUBURN WATERSHED OVERLAY DISTRICT*, as follows (additions are underlined; deletions are ~~struck-out~~):

ARTICLE XII. – ENVIRONMENTAL REGULATIONS

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

• • •

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),~~ New one-family detached dwellings are ~~only permitted~~ prohibited in the Lake Auburn Watershed District as of the date of adoption of amendments to this ordinance evidenced by Ordinance #XXXX ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~.

• • •

BE IT ORDAINED, that the City Council hereby approves the amendment of the text and map of Chapter 60, Zoning, of the Code of Ordinances as follows:

---

1. Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

● ● ●

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Ss~~tion~~ 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, ~~provided that the dwelling is accessory to farming operations and~~ subject to all of the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~ The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on wetlands; and

(v) Avoid being sited on slopes greater than 25%; and

(vi) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c~~b~~. No certificate of occupancy shall be issued for any such farm residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official~~r~~ charged with authority to issue the certificate of occupancy~~enforcement are 75 percent completed~~.

d~~c~~. In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

~~d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Ssec~~tion~~ 60-1501.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of Ss~~s~~ec.~~tion~~ 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing ~~greater than 6.1, but~~ less than ten acres, ~~provided that the dwelling is accessory to farming operations and~~ subject to all of the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and~~The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land

coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Planning Board that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Planning Board that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on wetlands; and

(v) Avoid being sited on slopes greater than 25%; and

(vi) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c~~b~~. No certificate of occupancy shall be issued for any such ~~farm~~ residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official~~or~~ authority to issue the certificate of occupancy~~charged with enforcement are 75 percent completed~~; and

~~c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~

~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~

~~2. The parcel can reasonably accommodate the proposed farm.~~

~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~

~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~

~~5. The proposed residence shall be accessory to farming.~~

~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~

d. The parcel was existing as of October 1, 2017~~, contains more than five acres of land area,~~ and otherwise meets the requirements of this chapter.

e. In no case shall any ~~farm~~ residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(b)(18)(a).

~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in S~~s~~ec.~~tion~~ 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under S~~subs~~ec.~~tion~~ 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or

diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

    1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

    2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

    3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

    4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

    1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

    1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

    2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

    3. To the extent possible, infrastructure shall not be located on steep slopes; and

    4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

    1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

    2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Ssec. ~~tion~~ 60-2.

c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing ~~greater than 6.1 acres but~~ less than ten acres~~,~~ only if approved as a special exception pursuant to subsection 60-145(b)(18).

(2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

---

2. Amend Sec. 60-952 of ARTICLE XII, ENVIRONMENTAL REGULATIONS, DIVISION 4, *LAKE AUBURN WATERSHED OVERLAY DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE XII. – ENVIRONMENTAL REGULATIONS

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

• • •

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),~~ New one-family detached dwellings are ~~only permitted~~ prohibited in the Lake Auburn Watershed District as of the date of adoption of amendments to this ordinance evidenced by Ordinance #XXXX ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~.

• • •

To: Auburn Planning Board
FROM: Evan Cyr

RE: AGRP Zoning Test Amendment, Proposal B

I am unable to attend this evening's Planning Board meeting, but would like to provide some comments regarding "Proposal B" in the Planning Board packet under the proposed AGRP zoning text amendment.

I think staff has a done a very good job of integrating a tie into agriculture and natural resource uses and that their draft represents the comments a directive given to the by the Planning Board. Overall, I believe that "Proposal B" represents the best solution for eliminating the income standard in the AGRP Zone that I have seen in my time on the Board. It eliminates the income standard while still avoiding conflict with the Comprehensive Plan. Additionally, "Proposal B" maintains much of the natural resource protection language that was first proposed in prior to "Proposal A". I believe "Proposal B" represents a reasonable alternative to the current income standard.

Having said this, I do have the following comments:

1. Sec. 60-145(a)(1)(a) should be reviewed considering some of the very large parcels in the AGRP zone. If a landowners uses the entirety of the 20% allowed, there could be unintended consequences. If a landowner were to do this, they necessarily could not then split their parcel because doing so would create non-conformity with ordinance. Their 20% residential envelope would be more than 20% of their new, smaller, lot. Specifically, the landowner would no longer be able to occupy their home as a residence under Sec. 60-145(a)(1)(d). This should be avoided. The Planning Board should consider identifying a maximum allowed envelope size on lots larger than 10acres. Using "20% or two acres, whichever is less" could be a reasonable solution.

2. Sec. 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses, rather than just farming. This should also be reflected in the subsections of this same section. There are several agricultural uses allowed in the AGRP zone that are not specifically farming.

3. Sec. 60-145(a)(1)(b)(vii) is superfluous. The original language included a prohibition 10 years after land had been unenrolled. This was meant to disincentivize the quick conversion of specific land types into residential land. I believe this is still worthwhile, but that the current language does not accomplish this goal. I believe the Planning Board should consider adding language that prohibits siting the residential development envelope on land that has been enrolled in one of the three State tax programs within the last 5 years. An example might look like the following:

   Sec. 60-145(a)(1)(b)(vii):

"(vii) Not be sited on any portion of a parcel that has been classified as being:
a. Enrolled in the State of Maine Farmland Tax Program within the last 5 years, or.."

4. Sec. 60-145(a)(1)(c) only references Sec. 60-145(a)(1)(a), but there are also requirements for the residence in a later section. Reference to Sec. 60-145(a)(1)(b) should also be made. This could be accomplished by revising to read:

   "No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) have been presented…"

5. Sec. 60-145(a)(1)(d) suffers the same deficiency as the section mentioned in number 4 of this list. The Planning Board should consider amending the end of the sentence to read:

   "… which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Sec. 60-145(a)(1)(b)(ii)."

6. Sec. 60-146(1) can be confusing. The implication is that the frontage must be on a publicly accepted street, but this may not be obvious to all readers. The Planning Board should consider amending the frontage requirement to read:

   "…and measuring less than 250 feet in width at the street frontage along a publicly accepted street,…"

7. Sec.60 146(3) utilizes a maximum depth of 30%. This could be a very deep setback depending on the depth of the lot itself. The Planning Board should consider whether the language should utilize the 30% maximum depth in conjunction with a maximum setback in feet, then require the use of whichever is less. 400ft may be an appropriate number to consider.

From: Steve Beale
To: "Katherine Cook"
Subject: June 5, 2023 suggested final amendments to proposal B
Date: Monday, June 5, 2023 4:40:05 PM

Katherine,

In electronic format, here are the suggested changes to Proposal B which we discussed earlier this afternoon.

In Section 145(a)(1)(a) insert the words"…or two acres, whichever is less." After the word "constructed."

In Section 145(a)(1)(b)(ii) insert the words "…or other permitted agricultural,…" after the word "farming."

In Section 145(a)(1)(b)(ii)(a) insert the words "…or other permitted agricultural…" after the word "farming…"

In Section 145(a)(1)(b)(iv) we believe that the State's exclusive authority over the definition of "essential habitat" renders this subsection, which is subject to interpretation and application by the local Code Enforcement Officer, unenforceable and of no legal effect, and that it should therefore be deleted.

In Section 145 (a)(1)(b)(vi) another provision of the City's ordinances contains an absolute prohibition on construction of a residence on any slope of greater than 25 degrees in any of the City's zoning districts and thus makes this subsection, with its less than mandatory language, conflicting and inoperable. It should therefore be deleted.

In Section 145(a)(3) the words "…firewood processing, Christmas tree cultivation…" are recommended for insertion after the words "maple sugaring…"

In Section 145(a)the word "Beekeeping" is recommended as a new subsection (a)(12), with subsequent subsections renumbered accordingly.

In Section 145(b)(8)(a) the words “…except for approved conservation cemeteries, which shall be at least 10 acres in size.” should be added at the end of the present subsection.

From:	scncfairchild@aol.com
To:	kcook@auburnmaine.gov
Subject:	Public comment for Planning Board packet
Date:	Monday, June 5, 2023 3:36:09 PM

For public comment/Planning Board packet:

Just as restrictions to development in the Lake Auburn Watershed District are being proposed, so too, the AG/RP land in the Taylor Pond Watershed district should not be developed residentially, in order to help protect the quality of the water, on which the uses and value of the pond and property values to the city depend.

Carol Dennis
Terrace Rd., Auburn

ORDINANCE 10-06202023

City Council Ordinance

IN CITY COUNCIL

Amending the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District.

Be it ordained, That the Auburn City Council amend the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District as shown in the attached "Proposal B" with an amendment to replace the text "Ordinance #XXXX" on page 10 of Proposal B with the text " Ordinance # 10-06202023. .

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 91-06202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council directs the Planning Board to hold a public hearing on additional changes to "Proposal B", Article IV District Regulations, Division 2 Agriculture and Resource Protection District as recommended in the attached memo, Titled: Planning Board recommendation to City Council on AGRP Zone Proposals A and B

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023 **Order:** 92-06202023

Author: Sue Clements-Dallaire, City Clerk

Subject: Authorizing the City Manager and/or his designee to execute the final purchase and sale agreement for tax map 211, lot 288 for Fire Engine 2 replacement.

Information: The acquisition of this 1.08 parcel of land will allow for a new engine 2 station to built at the current engine 2 address while ensuring continuous operations out of engine 2 during construction. This will also allow for a pull through designing meeting the highest safety standards.

City Budgetary Impacts: $140,000

Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 92-06202023

City Council Order

IN CITY COUNCIL

ORDERED, that Auburn City Council authorizes the City Manager and/or his designee to execute the final purchase and sale agreement of the for tax map 211, lot 288 for 1.08 acres for fire engine 2 replacement.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **May 2023 Financial Report**

DATE: **June 20, 2023**

The following is a discussion regarding the significant variances found in the City's May financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its eleventh month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 91.7% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

A. Revenues collected through May 31st, including the school department, were $94,032,908, or 87.84%, of the budget. The municipal revenues including property taxes were $63,992,030 or 90.80% of the budget which is less than the same period last year by 6.74%, however the dollar amount is greater by $444,712. The accounts listed below are noteworthy.

B. The current year tax revenue is at 91.89% as compared to 97.96% last year. The 30 day notice of liens were sent out in May and tax liens will be filed at the end of June on any properties that have unpaid taxes.

C. Excise tax for the month of May is at 97.37%. This is a $88,835 increase from FY 22. Our excise revenues for FY23 are 5.70% above projections as of May 31, 2023.

D. State Revenue Sharing for the month of May is 104.94% or $706/120 more than last year in May.

Expenditures

City expenditures through May 2023 were $44,241,310 or 86.2%, of the budget. This is 3.38% lower than May of last year.

Noteworthy variances are:

A. The operating departments are in line with this time last year. The accounts that are lower than last year are due to staffing shortages and timing difference in certain payments.

Investments

This section contains an investment schedule as of May 31st. Currently the City's funds are earning an average interest rate of 3.55%.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of May 2023, April 2023, and June 2022

	May 31 2023	April 30 2023	Increase (Decrease)	UNAUDITED JUNE 30 2022
ASSETS				
CASH	$ 44,784,526	$ 61,742,942	$ (16,958,416)	$ 25,056,314
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	2,897,201	813,943	2,083,258	1,461,282
TAXES RECEIVABLE-CURRENT	1,296,071	1,738,132	(442,061)	42,636
DELINQUENT TAXES	446,606	446,660	(54)	395,714
TAX LIENS	553,798	580,911	(27,114)	1,297,627
NET DUE TO/FROM OTHER FUNDS	(9,800,701)	(24,116,451)	14,315,750	4,391,622
TOTAL ASSETS	**$ 40,177,500**	**$ 41,206,137**	**$ (1,028,637)**	**$ 32,645,195**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ 76,027	$ (243,940)	$ 319,967	$ (824,510)
PAYROLL LIABILITIES	(741,237)	(1,229,880)	488,643	2,948,844
ACCRUED PAYROLL	-	-	-	(263,746)
STATE FEES PAYABLE	(126,199)	(112,906)	(13,293)	(183)
ESCROWED AMOUNTS	(32,412)	(43,565)	11,153	(40,426)
DEFERRED REVENUE	(2,145,010)	(2,613,848)	468,838	(1,585,602)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (2,968,831)**	**$ (4,244,139)**	**$ 1,275,308**	**$ 234,377**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (34,209,853)	$ (33,963,182)	$ (246,671)	$ (29,880,756)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (37,208,669)**	**$ (36,961,998)**	**$ (246,671)**	**$ (32,879,572)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (40,177,500)**	**$ (41,206,137)**	**$ 1,028,637**	**$ (32,645,195)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH May 31, 2023 VS May 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAY 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 52,463,320	$ 48,207,384	91.89%	$ 50,042,450	$ 49,019,518	97.96%	$ (812,134)
PRIOR YEAR TAX REVENUE	$ -	$ 744,093		$ -	$ 541,288		$ 202,805
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,322,921	74.74%	$ 1,650,000	$ 1,290,048	78.18%	$ 32,873
EXCISE	$ 4,435,000	$ 4,318,304	97.37%	$ 4,425,000	$ 4,229,469	95.58%	$ 88,835
PENALTIES & INTEREST	$ 120,000	$ 71,833	59.86%	$ 120,000	$ 105,007	87.51%	$ (33,174)
TOTAL TAXES	$ 58,788,320	$ 54,664,535	92.99%	$ 56,237,450	$ 55,185,330	98.13%	$ (520,795)
LICENSES AND PERMITS							
BUSINESS	$ 190,000	$ 269,187	141.68%	$ 166,000	$ 274,608	165.43%	$ (5,421)
NON-BUSINESS	$ 195,250	$ 300,433	153.87%	$ 300,200	$ 422,644	140.79%	$ (122,211)
TOTAL LICENSES	$ 385,250	$ 569,620	147.86%	$ 466,200	$ 697,252	149.56%	$ (127,632)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ 419,744	104.94%	$ 390,000	$ 421,592	108.10%	$ (1,848)
STATE REVENUE SHARING	$ 4,504,100	$ 5,748,069	127.62%	$ 3,150,000	$ 5,041,949	160.06%	$ 706,120
WELFARE REIMBURSEMENT	$ 83,912	$ 79,233	94.42%	$ 90,656	$ 65,038	71.74%	$ 14,195
OTHER STATE AID	$ 32,000	$ 16,791	52.47%	$ 32,000	$ 15,763	49.26%	$ 1,028
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 228,384	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 5,202,012	$ 6,263,838	120.41%	$ 3,891,040	$ 5,544,342	142.49%	$ 719,496
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 361,400	$ 126,458	34.99%	$ 184,400	$ 165,218	89.60%	$ (38,760)
PUBLIC SAFETY	$ 30,800	$ 84,877	275.58%	$ 176,600	$ 155,950	88.31%	$ (71,073)
EMS TRANSPORT	$ 1,350,000	$ 1,535,590	113.75%	$ 1,250,000	$ 1,347,897	107.83%	$ 187,693
TOTAL CHARGE FOR SERVICES	$ 1,742,200	$ 1,746,925	100.27%	$ 1,611,000	$ 1,669,065	103.60%	$ 77,860
FINES							
PARKING TICKETS & MISC FINES	$ 28,000	$ 22,265	79.52%	$ 41,500	$ 42,136	101.53%	$ (19,871)
MISCELLANEOUS							
INVESTMENT INCOME	$ 30,000	$ 150,443	501.48%	$ 40,000	$ 42,622	106.56%	$ 107,821
RENTS	$ 75,000	$ 16,047	21.40%	$ 125,000	$ 17,976	14.38%	$ (1,929)
UNCLASSIFIED	$ 20,000	$ 282,365	1411.83%	$ 20,000	$ 31,830	159.15%	$ 250,535
COMMERCIAL SOLID WASTE FEES	$ -	$ 52,582		$ -	$ 50,315		$ 2,267
SALE OF PROPERTY	$ 100,000	$ 2,487	2.49%	$ 120,000	$ 35,235	29.36%	$ (32,748)
MMWAC HOST FEES	$ 240,000	$ 212,768	88.65%	$ 234,000	$ 212,768	90.93%	$ 0
TRANSFER IN: TIF	$ 1,140,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 619,000	$ -	0.00%	$ 473,925	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		$ 1,000					
CDBG	$ 588,154	$ -	0.00%	$ 252,799	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ 7,156	35.78%	$ 20,000	$ 17,447	87.24%	$ (10,291)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 475,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,332,154	$ 724,848	16.73%	$ 2,900,724	$ 408,193	14.07%	$ 315,655
TOTAL GENERAL FUND REVENUES	**$ 70,477,936**	**$ 63,992,030**	90.80%	**$ 65,147,914**	**$ 63,546,318**	97.54%	**$ 444,712**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 34,826,024	$ 29,687,796	85.25%	$ 28,900,061	$ 25,425,111	87.98%	$ 4,262,685
EDUCATION	$ 489,465	$ 321,537	65.69%	$ 518,821	$ 768,278	148.08%	$ (446,741)
SCHOOL FUND BALANCE CONTRIBUTION	$ 1,251,726	$ 31,545	2.52%	$ 879,404	$ -	0.00%	$ 31,545
TOTAL SCHOOL	$ 36,567,215	$ 30,040,878	82.15%	$ 30,298,286	$ 26,193,389	86.45%	$ 3,847,489
GRAND TOTAL REVENUES	**$ 107,045,151**	**$ 94,032,908**	**87.84%**	**$ 95,446,200**	**$ 89,739,707**	**94.02%**	**$ 4,292,201**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH May 31, 2023 VS May 31, 2022

DEPARTMENT	FY 2023 BUDGET	EXP THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	EXP THRU MAY 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 170,500	$ 157,166	92.18%	$ 104,850	$ 104,299	99.47%	$ 52,867
CITY MANAGER	$ 510,978	$ 416,891	81.59%	$ 447,401	$ 470,182	105.09%	$ (53,291)
COMMUNICATIONS & ENGAGEMENT	$ 218,746	$ 140,512	64.24%	$ 911,637	$ 852,920	93.56%	$ (712,408)
CITY CLERK	$ 257,506	$ 234,477	91.06%	$ 237,474	$ 213,075	89.73%	$ 21,402
FINANCIAL SERVICES	$ 1,138,802	$ 1,013,177	88.97%	$ 810,303	$ 692,777	85.50%	$ 320,400
HUMAN RESOURCES	$ 222,099	$ 191,413	86.18%	$ 220,250	$ 189,056	85.84%	$ 2,357
INFORMATION TECHNOLOGY	$ 827,000	$ 658,870	79.67%		$ -		$ 658,870
TOTAL ADMINISTRATION	$ 3,345,631	$ 2,812,506	84.07%	$ 2,731,915	$ 2,522,309	92.33%	$ 290,197
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 666,629	$ 654,908	98.24%	$ 900,583	$ 743,226	82.53%	$ (88,318)
ECONOMIC DEVELOPMENT	$ 286,598	$ 253,634	88.50%	$ 108,469	$ 107,662	99.26%	$ 145,972
BUSINESS & COMMUNITY DEVELOPMENT	$ 671,411	$ 246,140	36.66%	$ 512,260	$ 252,083	49.21%	$ (5,943)
HEALTH & SOCIAL SERVICES	$ 119,875	$ 232,310	193.79%	$ 119,875	$ 88,131	73.52%	$ 144,179
RECREATION & SPORTS TOURISM	$ 762,440	$ 569,859	74.74%	$ 584,056	$ 507,000	86.81%	$ 62,859
PUBLIC LIBRARY	$ 1,084,437	$ 1,008,560	93.00%	$ 1,052,163	$ 964,483	91.67%	$ 44,077
TOTAL COMMUNITY SERVICES	$ 3,591,390	$ 2,965,411	82.57%	$ 3,277,406	$ 2,662,585	81.24%	$ 302,826
FISCAL SERVICES							
DEBT SERVICE	$ 8,361,254	$ 8,394,861	100.40%	$ 7,734,169	$ 7,652,855	98.95%	$ 742,006
CAPITAL INVESTMENT & PURCHASING	$ 672,473	$ 558,217	83.01%	$ 677,872	$ 545,470	80.47%	$ 12,747
WORKERS COMPENSATION	$ 698,000	$ 698,000	100.00%	$ 642,400	$ 642,400	100.00%	$ 55,600
WAGES & BENEFITS	$ 7,876,393	$ 5,982,481	75.95%	$ 7,334,932	$ 5,888,588	80.28%	$ 93,893
EMERGENCY RESERVE (10108062-670000)	$ 461,230	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,069,350	$ 15,633,559	86.52%	$ 16,850,603	$ 14,729,313	87.41%	$ 904,246
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 5,693,284	$ 5,002,638	87.87%	$ 5,446,588	$ 5,075,894	93.19%	$ (73,256)
POLICE DEPARTMENT	$ 4,945,034	$ 4,201,000	84.95%	$ 4,343,924	$ 4,039,150	92.98%	$ 161,850
TOTAL PUBLIC SAFETY	$ 10,638,318	$ 9,203,638	86.51%	$ 9,790,512	$ 9,115,044	93.10%	$ 88,594
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 5,600,109	$ 4,862,433	86.83%	$ 5,077,370	$ 4,399,305	86.65%	$ 463,128
SOLID WASTE DISPOSAL*	$ 1,320,000	$ 1,096,376	83.06%	$ 1,089,950	$ 821,532	75.37%	$ 274,844
WATER AND SEWER	$ 792,716	$ 585,902	73.91%	$ 792,716	$ 781,203	98.55%	$ (195,301)
TOTAL PUBLIC WORKS	$ 7,712,825	$ 6,544,711	84.85%	$ 6,960,036	$ 6,002,040	86.24%	$ 542,671
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 204,319	99.67%	$ 177,000	$ 172,710	97.58%	$ 31,609
E911 COMMUNICATION CENTER	$ 1,217,713	$ 945,912	77.68%	$ 1,161,479	$ 1,161,630	100.01%	$ (215,718)
LATC-PUBLIC TRANSIT	$ 431,811	$ 431,811	100.00%	$ 225,000	$ 118,715	52.76%	$ 313,096
LA ARTS	$ 30,000	$ 30,000		$ 10,000	$ 10,000		
TAX SHARING	$ 260,000	$ 229,135	88.13%	$ 260,000	$ 232,729	89.51%	$ (3,594)
TOTAL INTERGOVERNMENTAL	$ 2,144,524	$ 1,841,177	85.85%	$ 1,833,479	$ 1,695,784	92.49%	$ 145,393
COUNTY TAX	$ 2,761,220	$ 2,761,220	100.00%	$ 2,611,080	$ 2,611,080	100.00%	$ 150,140
TIF (10108058-580000)	$ 3,049,803	$ 2,479,088	81.29%	$ 3,049,803	$ 2,867,365	94.02%	$ (388,277)
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 51,313,061**	**$ 44,241,310**	**86.22%**	**$ 47,104,834**	**$ 42,205,520**	**89.60%**	**$ 2,035,790**
EDUCATION DEPARTMENT	$ 55,732,090	$ 39,284,074	70.49%	$ 48,341,366	$ 28,802,070	59.58%	$10,482,004
TOTAL GENERAL FUND EXPENDITURES	**$ 107,045,151**	**$ 83,525,384**	**78.03%**	**$ 95,446,200**	**$ 71,007,590**	**74.40%**	**$12,517,794**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF May 31, 2023

INVESTMENT		FUND	BALANCE May 31, 2023	BALANCE April 30, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 11,221,356.11	$ 11,179,976.96	**0.80%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,056,507.83	$ 1,054,490.99	**0.80%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 18,682,600.20	$ 18,525,200.97	**0.80%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 52,957.22	$ 52,857.22	**0.80%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 343,059.82	$ 341,794.84	**0.80%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 229,062.88	$ 228,625.64	**0.80%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 471,091.63	$ 470,192.39	**0.80%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 1,003,942.39	$ 997,763.31	**0.80%**
ANDROSCOGGIN BANK	0627	ST LOUIS BELLS FUNDRAISING	$ 28.67	$ 15,491.55	**0.80%**
NOMURA 2		ELHS Bond Proceeds	$ 30,893,209.00	$ 37,688,301.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND		$ 250,000.00	**4.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.20%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.25%**
GRAND TOTAL			**$ 68,953,815.75**	**$ 74,554,694.87**	**3.55%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2022 - June 30, 2023
Report as of May 31, 2023

	Beginning Balance 5/1/2023	May 2023 New Charges	May 2023 Payments	May 2023 Refunds	May 2023 Adjustments	May 2023 Write-Offs	Ending Balance 5/31/2023
Bluecross	**$ 13,773.42**	$ 8,978.80	$ (9,474.35)		$ (297.73)		**$ 12,980.14**
Intercept	**$ 400.00**	$ 200.00	$ (200.00)				**$ 400.00**
Medicare	**$ 129,646.21**	$ 156,136.80	$ (52,460.96)		$ (79,189.25)		**$ 154,132.80**
Medicaid	**$ 45,168.91**	$ 59,206.60	$ (54,122.58)		$ (34,239.22)		**$ 16,013.71**
Other/Commercial	**$ 79,276.78**	$ 37,734.85	$ (18,627.10)		$ (1,082.35)		**$ 97,302.18**
Patient	**$ 127,648.32**	$ 20,080.00	$ (10,650.07)	$ 1,605.06	$ 52.95	$ (14,926.27)	**$ 123,809.99**
Worker's Comp	**$ (7,271.78)**						**$ (7,271.78)**
TOTAL	**$ 388,641.86**	**$ 282,337.05**	**$ (145,535.06)**	**$ 1,605.06**	**$ (114,755.60)**	**$ (14,926.27)**	**$ 397,367.04**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2022 - June 30, 2023
Report as of May 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Totals	% of Total
Bluecross	$ 2,477.35	$ 13,307.40	$ 13,596.80	$ 13,635.40	$ 10,192.40	$ 11,633.60	$ 13,907.00	$ 12,001.00	$ 13,676.80	$ 7,179.80	$ 8,978.80	$ 120,586.35	3.67%
Intercept	$ 100.00	$ -	$ 100.00	$ 200.00	$ 200.00	$ 300.00	$ 200.00	$ 200.00	$ 100.00	$ 200.00	$ 200.00	$ 1,800.00	0.05%
Medicare	$ 155,398.20	$ 205,712.40	$ 155,567.20	$ 163,526.80	$ 154,190.50	$ 190,431.40	$ 216,896.50	$ 138,902.80	$ 196,522.60	$ 163,176.00	$ 156,136.80	$ 1,896,461.20	57.79%
Medicaid	$ 61,000.80	$ 82,386.60	$ 63,625.60	$ 50,457.40	$ 68,679.75	$ 51,541.80	$ 65,923.00	$ 49,823.00	$ 77,619.20	$ 79,725.80	$ 59,206.60	$ 709,989.55	21.64%
Other/Commercial	$ 38,520.45	$ 50,549.60	$ 28,756.00	$ 21,232.20	$ 18,577.60	$ 28,491.40	$ 26,074.30	$ 31,940.20	$ 20,282.80	$ 20,033.10	$ 37,734.85	$ 322,192.50	9.82%
Patient	$ 8,120.20	$ 12,558.80	$ 18,008.60	$ 32,205.60	$ 18,078.20	$ 18,295.40	$ 19,672.25	$ 19,312.40	$ 30,303.00	$ 19,389.80	$ 20,080.00	$ 216,024.25	6.58%
Worker's Comp	$ 1,803.40	$ 3,664.60	$ -	$ 827.00	$ 1,805.20	$ 1,720.60	$ 1,974.60	$ -	$ 2,789.00			$ 14,584.40	0.44%
TOTAL	$ 267,420.40	$ 368,179.40	$ 279,654.20	$ 282,084.40	$ 271,723.65	$ 302,414.20	$ 344,647.65	$ 252,179.40	$ 341,293.40	$ 289,704.50	$ 282,337.05	$ 3,281,638.25	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2022 - June 30, 2023
Report as of May 31, 2023

	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Totals	% of Total
Bluecross	3	13	14	14	11	12	14	12	14	7	9	123	3.39%
Intercept	1	0	1	2	2	3	2	2	1	2	2	18	0.50%
Medicare	170	231	170	180	170	205	237	163	226	173	168	2093	57.75%
Medicaid	65	88	69	55	77	57	75	55	87	89	65	782	21.58%
Other/Commercial	43	54	30	23	21	33	32	37	21	25	42	361	9.96%
Patient	10	13	19	34	20	18	21	22	31	21	22	231	6.37%
Worker's Comp	2	4		1	2	2	2	0	3			16	0.44%
TOTAL	294	403	303	309	303	330	383	291	383	317	308	3624	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of May 31, 2023

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1915 Fire Training Building	1917 Wellness Grant	1928 Vending	1929 Fire Prevention	1931 Donations	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2013 OUI Grant	2014 Speed Grant
Fund Balance 7/1/22	$ 517,052.67	$ 6,919.98	$ 34,914.39	$ 1,421.68	$ 3,039.35	$ -	$ 4,796.03	$ 169.19	$ 2,808.57	$ 79,868.61	$ (153,799.68)	$ -	$ 4,289.65	$ 23,595.00	$ 4,356.29	$ 5,520.52
Revenues FY23	$ 61,648.39	$ 1,310.95	$ 1,875.71		$ 10,425.00	$ 306.00				$ 200,100.00	$ 101,027.87	$ -	$ 13,474.00	$ 11,148.75		$ 3,818.51
Expenditures FY23	$ 159,120.00	$ 950.00	$ 386.10	$ 1,421.68	$ 4,361.72	$ 2,890.39	$ 4,796.03	$ 169.19	$ 600.00	$ 490,174.67	$ 48,660.71	$ -	$ 3,150.22	$ 3,157.92	$ 4,356.29	$ 3,414.26
Fund Balance 5/31/2023	**$ 419,581.06**	**$ 7,280.93**	**$ 36,404.00**	**$ -**	**$ 9,102.63**	**$ (2,584.39)**	**$ -**	**$ -**	**$ 2,208.57**	**$ (210,206.06)**	**$ (101,432.52)**	**$ -**	**$ 14,613.43**	**$ 31,585.83**	**$ -**	**$ 5,924.77**

	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2034 EDUL Underage Drink	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2050 Project Lifesaver
Fund Balance 7/1/22	$ 409.11	$ -	$ (8,205.29)	$ 1,069,816.45	$ 30,822.46	$ -	$ 46,171.40	$ 2,560.00	$ 8,281.24	$ 20,536.23	$ 22,850.45	$ (930.00)	$ 92,332.26	$ (1,695.00)	$ -	$ 189.35
Revenues FY23	$ 1,053.34	$ 211,035.72		$ 921,562.10	$ 119.34	$ 31,165.02	$ 139,886.60		$ 2,288.40		$ 3,360.73	$ 930.00	$ 25,242.80	$ 49,569.53	$ 12,000.00	
Expenditures FY23	$ 917.14			$ 1,024,897.54	$ 562.00	$ 1,551.42	$ 145,958.84	$ 2,560.00	$ 7,194.91		$ 4,593.00	$ 18,743.13	$ 4,887.22	$ 49,569.53	$ 9,786.95	$ 189.35
Fund Balance 5/31/2023	**$ 545.31**	**$ 211,035.72**	**$ (8,205.29)**	**$ 966,481.01**	**$ 30,379.80**	**$ 29,613.60**	**$ 40,099.16**	**$ -**	**$ 3,374.73**	**$ 20,536.23**	**$ 21,618.18**	**$ (18,743.13)**	**$ 112,687.84**	**$ (1,695.00)**	**$ 2,213.05**	**$ -**

	2051 Project Canopy	2053 St Louis Bells	2054 EMS Transport Capital Reserve	2055 Work4ME-PAL	2059 Distracted Driving	2067 Hometown Heros Banners	2068 Northern Borders Grant	2070 Leadercast	2071 Com Engage Spec Events	2077 CTCI Gramt	2080 Futsol Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation
Fund Balance 7/1/22	$ (9,519.48)	$ 21,359.27	$ 170,048.62	$ 4,911.03	$ 898.69	$ 209.00	$ 178,046.71	$ (3,500.00)	$ -	$ 1,719.02	$ 25,353.61	$ -	$ 12,716,078.13	$ (1,443.69)	$ 10,000.00	$ 232,365.87
Revenues FY23	$ 7,996.88	$ (94.59)	$ 180,860.94		$ 508.14			$ 3,500.00	$ 43,095.00			$ 5,000.00	$ 311,528.90	$ 13,491.68	$ 72,000.00	$ 433,475.29
Expenditures FY23		$ 21,264.68	$ 50,161.75	$ 4,911.03	$ 604.26	$ 209.00				$ 1,719.02		$ 612.33	$ 1,502,255.90	$ 20,534.75		$ 435,803.88
Fund Balance 5/31/2023	**$ (1,522.60)**	**$ -**	**$ 300,747.81**	**$ -**	**$ 802.57**	**$ -**	**$ 178,046.71**	**$ -**	**$ 43,095.00**	**$ -**	**$ 25,353.61**	**$ 4,387.67**	**$ 11,525,351.13**	**$ (8,486.76)**	**$ 82,000.00**	**$ 230,037.28**

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues
Fund Balance 7/1/22	**$ 78,950.70**	**$ 806,274.01**	**$ 237,684.12**	**$ (519,427.49)**	**$ 455,494.65**	**$ (900,465.25)**	**$ (0.03)**	**$ (2,663.69)**	$ 1,120.91	$ 50,241.31	$ 84,060.95	$ 33,113.81	$ 13,914.35	$ (102,204.06)	$ -	$ 15,168,346.11
Revenues FY23	$ 190,974.78		$ 865,341.00	$ 157,316.00	$ 294,264.43	$ 448,773.33	$ 48,589.45	$ 30,616.50	$ 56,495.08	$ 48,218.63	$ 96,002.45	$ 113,293.40	$ 35,248.40	$ 34,426.44	$ 59,527.65	$ 5,353,798.54
Expenditures FY23	$ 143,231.09	$ -	$ 316,334.41	$ 265,100.00	$ 126,666.72	$ 210,923.46	$ 29,153.68		$ 56,495.08	$ 24,109.32	$ 48,001.22	$ 174,888.68	$ 35,248.40	$ 8,691.46	$ -	$ 5,475,940.33
Fund Balance 5/31/2023	**$ 126,694.39**	**$ 806,274.01**	**$ 786,690.71**	**$ (627,211.49)**	**$ 623,092.36**	**$ (662,615.38)**	**$ 19,435.74**	**$ 27,952.81**	**$ 1,120.91**	**$ 74,350.62**	**$ 132,062.18**	**$ (28,481.47)**	**$ 13,914.35**	**$ (76,469.08)**	**$ 59,527.65**	$ 15,048,532.91

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for May 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of May 31, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of May 31, 2023.

Current Assets:
As of the end of May 2023 the total current assets of Ingersoll Turf Facility were $313,937. This consisted of cash and cash equivalents an increase from April of $1,333.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of May 31, 2023, were $61,779.

Liabilities:
Ingersoll had no accounts payable as of May 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through May 2023 are $144,398. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through May 2023 were $33,806. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of May 2023, Ingersoll has an operating gain of $110,592 compared to $108,487 in April an increase in the gain of $2,105.

As of May 31, 2023, Ingersoll has an increase in net assets of $112,202.

The budget to actual reports for revenue and expenditures, show that the revenue for FY23 compared to FY 22.

Statement of Net Assets
Ingersoll Turf Facility
May 31, 2023
Business-type Activities - Enterprise Fund

		May 31, 2023	April 30, 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 228,626	$ 228,218	$ 408
Interfund receivables/payables		$ 85,311	$ 84,386	925
Accounts receivable		-	-	-
	Total current assets	313,937	312,604	1,333
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(748,757)	(748,757)	-
	Total noncurrent assets	61,779	61,779	-
	Total assets	375,716	374,383	1,333
LIABILITIES				
Accounts payable		$ -	$ 1,180	(1,180)
Interfund payable		$ -	$ -	-
Total liabilities		-	1,180	(1,180)
NET ASSETS				
Invested in capital assets		$ 61,779	$ 61,779	$ -
Unrestricted		$ 313,937	$ 311,424	$ 2,513
Total net assets		**$ 375,716**	**$ 373,203**	**$ 2,513**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
May 31, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 144,398
Operating expenses:	
Personnel	490
Supplies	19,005
Utilities	175
Repairs and maintenance	-
Rent	-
Depreciation	-
Capital expenses	14,136
Other expenses	
Total operating expenses	33,806
Operating gain (loss)	110,592
Nonoperating revenue (expense):	
Interest income	1,610
Interest expense (debt service)	-
Total nonoperating expense	1,610
Gain (Loss) before transfer	112,202
Transfers out	-
Change in net assets	112,202
Total net assets, July 1	263,514
Total net assets, May 31, 2023	**$ 375,716**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through May 31, 2023 compared to May 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAY 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 6,300		$ 25,000	$ 11,275	45.10%
Batting Cages		$ 14,157		$ 16,000	$ 17,336	108.35%
Programs		$ 123,941		$ 94,000	$ 49,090	52.22%
Rental Income		$ -		$ 138,000	$ 93,780	67.96%
TOTAL CHARGE FOR SERVICES	$ -	$ 144,398		$ 273,000	$ 171,481	62.81%
INTEREST ON INVESTMENTS	$ -	$ 1,610		$ -	$ 539	
GRAND TOTAL REVENUES	**$ -**	**$ 146,008**		**$ 273,000**	**$ 172,020**	**63.01%**

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through May 31, 2023 compared to May 31, 2022

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU MAY 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			$ 133,041	$ 83,012	62.40%	$ (83,012)
Purchased Services		$ 490		$ 15,750	$ 5,592	35.50%	$ (5,102)
Programs		$ 19,005		$ 16,300	$ -	0.00%	$ 19,005
Supplies				$ 2,500	$ 20,890	835.60%	$ (20,890)
Utilities		$ 175		$ 24,150	$ 21,948	90.88%	$ (21,773)
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 14,136		$ -	$ 5,556		$ 8,580
	$ -	$ 33,806		$ 191,741	$ 136,998	71.45%	$ (103,192)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 33,806**		**$ 191,741**	**$ 136,998**	**71.45%**	**$ (103,192)**

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for May 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of May 31, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities, and net assets and shows a comparison to the previous month, in this case, April 30, 2023.

Current Assets:
As of the end of May 2023 the total current assets of Norway Savings Bank Arena were ($1,063,210). These consisted of cash and cash equivalents of $281,193, accounts receivable of $119,925, and an interfund payable of $1,464,328.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of May 31, 2023, was $147,691.

Liabilities:
Norway Arena had no accounts payable as of May 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through May 2023 are $1,025,164. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating, and ice rentals.

The operating expenses for Norway Arena through May 2023 were $738,508. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

At the end of May 2023, there was an operating gain of $286,656.

As of May 31, 2023, Norway Arena has an increase in net assets of $286,656.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $97,068 more than in FY22 and expenditures in FY23 are $118,343 more than last year in May.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
May 31, 2023
Business-type Activities - Enterprise Fund

		May 31 2023	April 30 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 281,193	$ 281,010	$ 183
Interfund receivables		$ (1,464,328)	$ (1,549,053)	$ 84,725
Prepaid Rent				$ -
Accounts receivable		119,925	135,543	$ (15,618)
	Total current assets	(1,063,210)	(1,132,500)	69,290
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		514,999	514,999	-
Land improvements		-	-	-
Less accumulated depreciation		(425,531)	(425,531)	-
	Total noncurrent assets	147,691	147,691	-
	Total assets	(915,519)	(984,809)	69,290
LIABILITIES				
Accounts payable		$ -	$ 1,309	$ (1,309)
Net OPEB liability		$ (1,588)	$ 43,810	$ (45,398)
Net pension liability		121,707	42,634	79,073
Total liabilities		120,119	87,753	32,366
NET ASSETS				
Invested in capital assets		$ 147,691	$ 147,691	$ -
Unrestricted		$ (1,183,329)	$ (1,132,500)	$ (50,829)
Total net assets		**$ (1,035,638)**	**$ (984,809)**	**$ (50,829)**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
April 30, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 1,025,164
Operating expenses:	
Personnel	344,180
Supplies	41,698
Utilities	160,700
Repairs and maintenance	52,483
Insurance Premium	33,538
Depreciation	-
Capital expenses	69,317
Other expenses	36,592
Total operating expenses	738,508
Operating gain (loss)	286,656
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	286,656
Transfers out	-
Change in net assets	286,656
Total net assets, July 1	(1,322,294)
Total net assets, April 30, 2023	**$ (1,035,638)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through May 31, 2023 compared to May 31, 2022

REVENUE SOURCE	FY 2023 BUDGET	ACTUAL REVENUES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL REVENUES THRU MAY 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500	$ 12,925	78.33%	$ (12,925)
Skate Rentals	$ 6,000	$ 2,965	49.42%	$ 6,000	$ 425	7.08%	$ 2,540
Pepsi Vending Machines	$ 2,000	$ 2,030	101.50%	$ 2,000	$ 1,213	60.65%	$ 817
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ 1,093	36.43%	$ (1,093)
Vending Food	$ 2,000	$ 1,098	54.90%	$ 2,000	$ 354	17.70%	$ 744
Sponsorships	$ 230,000	$ 178,582	77.64%	$ 185,000	$ 183,114	98.98%	$ (4,532)
Pro Shop	$ 7,000	$ 4,680	66.86%	$ 7,000	$ 5,207	74.39%	$ (527)
Programs	$ 20,000		0.00%	$ 20,000	$ 2,370	11.85%	$ (2,370)
Rental Income	$ 702,000	$ 726,094	103.43%	$ 683,500	$ 639,886	93.62%	$ 86,208
Camps/Clinics	$ 50,000	$ 39,070	78.14%	$ 50,000	$ 31,720	63.44%	$ 7,350
Tournaments	$ 50,000	$ 70,645	141.29%	$ 50,000	$ 49,789	99.58%	$ 20,856
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 1,025,164	94.18%	$ 1,025,000	$ 928,096	90.55%	$ 97,068

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through May 31, 2023 compared to May 31, 2022

DESCRIPTION	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU MAY 2023	% OF BUDGET	FY 2022 BUDGET	ACTUAL EXPENDITURES THRU MAY 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 344,180	118.24%	$ 339,437	$ 292,480	86.17%	$ 51,700
Purchased Services	$ 136,900	$ 86,021	62.83%	$ 123,928	$ 68,934	55.62%	$ 17,087
Supplies	$ 76,562	$ 78,290	102.26%	$ 79,000	$ 60,949	77.15%	$ 17,341
Utilities	$ 267,000	$ 160,700	60.19%	$ 250,350	$ 195,554	78.11%	$ (34,854)
Capital Outlay	$ 50,000	$ 69,317	138.63%	$ 42,500	$ 2,248	5.29%	$ 67,069
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 738,508	89.89%	$ 835,215	$ 620,165	74.25%	$ 118,343
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 738,508**	**89.89%**	**$ 835,215**	**$ 620,165**	**74.25%**	**$ 118,343**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: June 20, 2023

Subject: Executive Session

Information: Labor negotiations (MSEA), pursuant to 1 M.R.S.A. Section 405(6) (D).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Special Meeting
Agenda
July 10, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Meeting - Roll call votes will begin with Councilor Morin.

Pledge of Allegiance

I. Executive sessions

- Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.
- Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

II. Unfinished Business

1. Ordinance 06-06202023
Amending the Auburn Code of Ordinances, DIV. 12, General Business, Sec 60-500 (2). Public hearing and second reading

2. Ordinance 07-06202023
Amending the Auburn Code of Ordinances, DIV. 13, General Business II, Sec 60-526 (2). Public hearing and second reading.

3. Ordinance 08-06202023
Amending the Auburn Code of Ordinances, DIV 15, Industrial Zoning District, Sec 60-579 (2). Public hearing and second reading.

4. Ordinance 09-06202023
Amending the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban. Public hearing and second reading.

5. Ordinance 10-06202023
Amending the Code of Ordinances, Definitions and Agriculture and Resource Protection District text of Chapter 60, Zoning as shown in Proposal B (attached). Public hearing and second reading.

III. New Business

1. Order 93-07102023
Authorizing the City Manager to execute the collective bargaining agreement with MSEA SEIU 1989.

2. Order 94-07102023
Authorizing the City Manager to execute the sale of City owned property (103 Newbury Street).

3. Order 95-07102023
Authorizing the City Manager to execute the sale of City owned property (115 Newbury Street).

4. Order 96-07102023
Authorizing the City Manager to execute the sale of City owned property (351 Main Street).

5. Order 97-07102023
Authorizing the City Manager to market and execute the sale of City owned property (369 Main Street) through Bill Bergeron with Fontaine Family Realty.

II. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 10, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 10, 2023

Subject: Executive Session

Information: Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Meeting Date: July 10, 2023 **Ordinance:** 06-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 12, General Business, Sec 60-500 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the General Business (GB) from 30 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.
From the Cities updated Comprehensive Plan, Future Land Use Chapter: *The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property.* The suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and consider passage of second reading.

Previous Meetings and History: Passage of first reading on 6/20/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Codification language text amendment DIV 12, General Business, Sec 60-500 (2)

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

DRAFT

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on Zoning Text Density Change Applied to General Business, General Business II, and Industrial Zones.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Text Amendment: Consider amending Sec. 60-500 (2), Sec. 60-526 (2), and Sec. 60-579 (2) of the zoning ordinances to increase the maximum building coverage in the General Business (GB) and Minot Avenue (GBII) zoning districts from 30 percent coverage to 60 percent coverage, and increase the maximum building coverage in the Industrial (ID) zoning district from 40 percent coverage to 60 percent coverage as shown on the attached proposed text amendments. This topic is pursuant to Sec. 2-471.- public Hearings.

MOTION: Riley Bergeron makes a motion; David Trask seconds.

I make a motion to make a favorable recommendation to City Council to amend text Chapter 60, Article IV, DIV 12, General Business, Sec 60-500 (2) DIV 13, General Business II, Sec. 60-526 (2) DIV 15 Industrial, Sec. 60-579 (2) to allow for a total lot area of 60 percent of commercial or office building density.

AMENDMENT: Tim DeRoche makes a motion; Darren Finnegan Seconds.

"I make a motion to amend the motion to raise it to 75% of commercial or office building density." **VOTE:** 2-5-0 Motion fails.

VOTE: 7-0-0 Original Motion passes.

Sec. 60-500. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).

(2) *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in

excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)

ORDER 06-06202023

City Council Order

IN CITY COUNCIL

Amending the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations below.

(2) → *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: July 10, 2023 **Ordinance:** 07-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 13, General Business II, Sec 60-526 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the General Business II (GBII) from 30 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.
From the Cities updated Comprehensive Plan, Future Land Use Chapter: *The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property.* The suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and consider passage of second reading.

Previous Meetings and History: Passage of first reading on 6/20/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Codification language text amendment DIV 13, General Business II, Sec 60-526 (2)

Sec. 60-526. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* No building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).

(2) *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021)

ORDINANCE 07-06202023

City Council Order

IN CITY COUNCIL

Amending the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations below.

(2) → *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: July 10, 2023 **Ordinance:** 08-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 15, Industrial Zoning District , Sec 60-579 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the Industrial Zone from 40 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.
From the Cities updated Comprehensive Plan, Future Land Use Chapter: *The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property.* The suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and consider passage of second reading.

Previous Meetings and History: Passage of first reading on 6/20/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Codification language text amendment DIV 15, Industrial Zoning District, Sec 60-579 (2)

Sec. 60-579. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth.

(2) *Density.* Not more than ~~40~~ 60 percent of the total lot area shall be covered by buildings.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or are required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge.

g. *Landscaping.* Landscaping shall be provided and maintained as follows:

1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.

2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building.

3. All lots which abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.

4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet.

5. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement.

Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas.

(4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.71C; Ord. No. 11-03012021, § 36, 3-15-2021)

ORDINANCE 08-06202023

City Council Order

IN CITY COUNCIL

Amending the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations

BE IT ORDAINED, that the City Council hereby amends the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations below.

(2) → *Density.*-Not·more·than·~~40~~ 60-percent·of·the·total·lot·area·shall·be·covered·by·buildings.·¶

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 10, 2023 **Ordinance:** 09-06202023

Author: Planning and Permitting Dept.

Subject: First Reading of Zone Change Petition for 37 Loring Avenue (Parcel I.D. 211-282)

Information: On June 6, 2023, Auburn Planning Board held a public hearing on a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multifamily Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

During the public hearing, Planning Board raised questions about access to and through the property, stating the concern about the entry being only on Loring Ave. They also inquired why the proposal was to change the zone to Multifamily Suburban rather than T-4.2B, anticipating that a zone change covering a larger area to T-4.2B would come before the planning board soon. The applicant submitted a petition to rezone the property to MFS rather than T-4.2B because the property is adjacent to another property which is already zoned MFS, and this zone change would constitute an expansion of an existing zone which would still allow for greater housing density. The Planning Board voted to not accept the zone change. They cited safety and traffic concerns as their reason for not supporting the proposed zone change.

City Budgetary Impacts: N/A

Staff Recommended Action:
Staff originally supported the zone change petition from Urban Residential to Multifamily Suburban because it is a step closer to achieving higher density housing supported in the Comprehensive Plan, providing similar results to T-4.2B. The Planning Board will consider applying T4.2B zoning to a larger area, including this parcel, in July. Staff suggests Council review the Planning Board's findings, discuss, and vote not to pass the Change to Multi-Family Suburban on the first reading. Public hearing and second reading on 7/10/2023.

Previous Meetings and History:
June 6, 2023- Planning Board Public Hearing. Unanimously failed first reading on 6/20/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: 6/6/2023 Staff Report, Signed Petition initiating zone change, Chapter 60, Division 7-Multifamily Suburban District, Planning Board Recommendation to Council (Motion).

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings.

(2) Two-family dwellings.

(3) Multifamily dwellings in existence on September 23, 1988.

(4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.

(5) Farming of field crops, row crops, orchards or truck gardens.

(6) Shelter for abused persons.

(7) Accessory uses, buildings or structures.

(8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.

(9) Municipal uses and buildings.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).

(2) Off-street parking lot, provided that:

a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.

b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.

(3) Professional offices.

a. Shall be in buildings which are listed on the state resource list and/or federal historic register.

b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.

c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.

(4) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021)

Sec. 60-307. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations.

(1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:

a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.

c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.

(2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

a. Multifamily buildings shall have a maximum height of 45 feet from grade.

b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Secs. 60-308—60-332. Reserved.

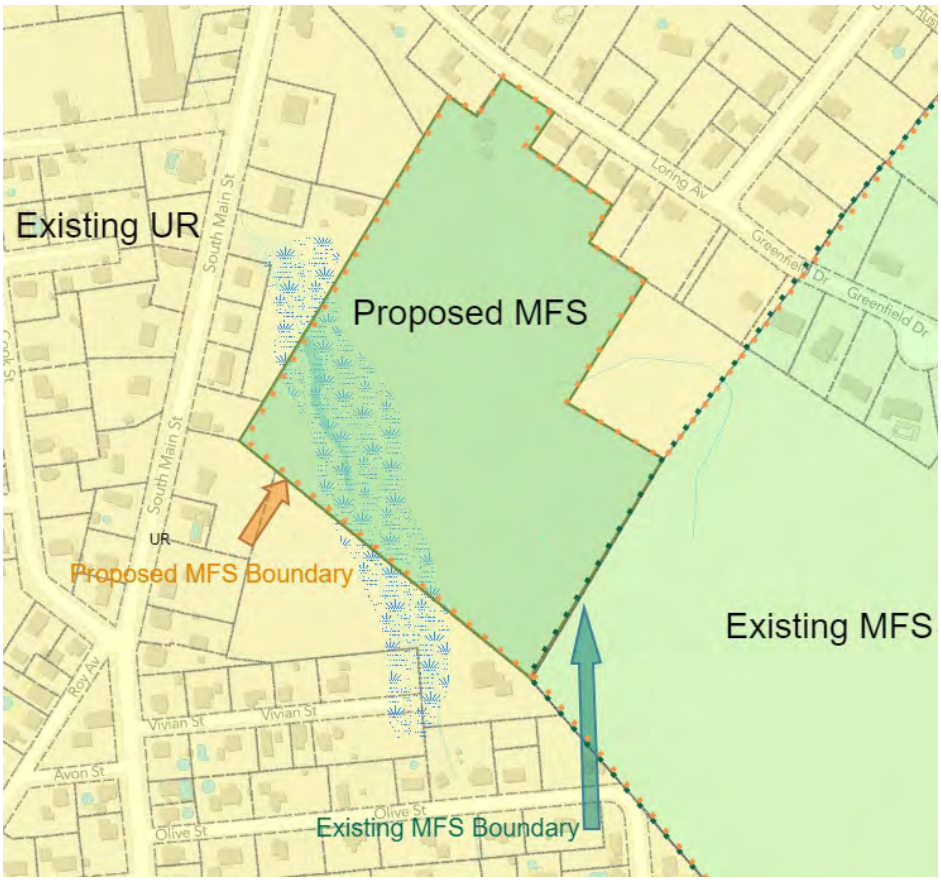
ORDINANCE 09-06202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zone Change Petition to amend the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban

Be it ordained, That the Auburn City Council amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue on Auburn Tax Map Parcel I.D. 211-282 from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district as shown in this packet.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 10, 2023 **Ordinance:** 10-06202023

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)).

Information: Additional information about the collaboration with various interest groups leading up to this First reading is available in the attached AGRP Staff report to the Planning Board dated 6/6/2023. At the 6/6/2023 Planning Board Public Hearing the Board passed a favorable recommendation on to the City Council to adopt "Proposal B," with recommended amendments to the draft. Those recommended amendments are detailed in the attached memo (Titled: Planning Board recommendation to City Council on AGRP Zone Proposals A and B) from The Auburn Planning Board to the City Council dated 6/6/2023. Staff worked with legal counsel to determine which amendments could be made without a new public hearing at the Planning Board and it is staff's opinion that some are more substantive than others. Our Counsel recommends that all the Planning Board recommended changes to Proposal B should be reviewed at a Public Hearing with the Planning Board prior to adopting the changes to Proposal B. The Council has a choice to reject or adopt Proposal A, Proposal B or adopt Proposal B with changes recommended by Planning Board. We know that the process has taken longer than desired by the Council and we are past the deadline given for the process. One option is to approve Proposal B and then choose to refer some or all of the recommended changes from Planning Board back to the Planning Board for a Public Hearing and then they will return for future consideration by the Council. The draft Proposal B with recommended changes appears to have wide community support. The legal process makes it difficult to adopt all of the changes recommended by the Planning Board tonight and to stay on schedule for a second and final reading on July 10th.

City Budgetary Impacts: None immediately. New homes will come with new costs for services and new tax revenues, but exact numbers will depend on home values and service demands.

Staff Recommended Action: Public hearing and consider passage of second reading.

Previous Meetings and History: September 9, 2022—City Council passes Resolve 06-09062022, October 11, 2022—Planning Board is introduced to Resolve 06-09062022, November 7, 2022—City Council passes Order 151-11072022, November 15, 2022—Planning Board holds first workshop to consider Resolve 06-09062022, and Order 151- 11072022. Received recommendation from SNRB, December 5, 2022—City Council responds to questions submitted by SNRB, December 13, 2022—Planning Board workshop to consider Resolve 06-09062022, and Order 151-11072022, and received SNRB recommendation, January 10, 2023—Planning Board workshop on Resolve 06-09062022, and Order 151-11072022 and decide conservation values and prioritization

matrix for mapping and community survey, February 14, 2023— Planning Board workshop on Resolve 06-09062022, and Order 151-11072022/ received survey and mapping results, March 6, 2023—City Council extends recommendation deadline to April 18, 2023, March 28, 2023—Public Hearing on text and map amendments, April 2, 2023—Planning Board delivers Council recommendations, April 18, 2023 Joint PB and CC Workshop drafted Proposal A, May 9, 2023 Planning Board Public hearing and directive to staff to draft Proposal B incorporating public comments and strengthening connection between home and permitted land use, Jue 6 Planning Board Public hearing and recommendation. Passage of first reading on June 20, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposal B, Staff Report to Planning Board 6/6/2023, Planning Board recommendation to City Council on AGRP Zone Proposals A and B

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP Zone Proposals A and B.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at https://www.auburnmaine.gov/pages/government/planning-board-agendas and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

MOTION: Tim DeRoche makes a motion; Toni seconds.

"I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal "B", Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal "B", and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in "Proposal B."

The following motions are amendments to the main motion, above.

Motions 1-7 are directly from Evan Cyr's proposed amendments to Proposal "B", submitted 6/6/2023.

Motions 8-9 are from AGRP Zone Group public comment from Steve Beale dated 6/5/2023.

1. **MOTION:** Riley Bergeron; Second: David Trask

Riley Bergeron suggests an amendment for "Sec. 60- 145 (a)(1)(a) to include the language 20% of 2 acres, which ever is less" in reference to lot size. Dave Trask seconds. **VOTE**: Amendment passes 7-0-0

2. **MOTION:** Riley Bergeron; Second: David Trask

Riley Bergeron offers another amendment that 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses rather than just farming. Dave Trask Seconds. **VOTE:** Amendment passes 7-0-0

3. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron would also like to include an amendment for Section 60-145(a)(1)(b)(vii) to read not be sited in any portion of a parcel that has been classified as being: "a. Enrolled in the State of Maine Farmland Tax Program in the last five years, or" **VOTE:** Amendment passes 6-1-0

4. **MOTION:** Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for section 60-145(a)(1)(c) which only references Section 60-145(a)(1)(a) but there are also requirements for a residence later in that section. This could be accomplished by reading, "No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements set forth in Section 60-145(a)(1)(a) and Section 60-145(a)(1)(b)(ii) have been presented" **VOTE:** Amendment passes 7-0-0.

5. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron also offers an amendment to Sec. 60-145 (a)(1)(d) for it to read: "which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Section 60-145(a)(1)(b)(ii). **VOTE:** Amendment passes 6-1-0

6. **MOTION:** Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for Section 60-146(1) to read, "and measuring less than 250 feet in width at the street frontage along a publicly accepted street," **VOTE:** Amendment passes 4-3-0

7. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron offers an amendment on Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less.

Riley Bergeron clarifies that his amendment refers to where the house should be set on the lot, the same text provided as public comment. David Trask also seconds after this clarification. **VOTE:** Amendment passes 7-0-0

8. **MOTION:** Tim DeRoche; Second: Riley Bergeron

Tim DeRoche proposes an amendment found in Mr. Beale's public comment in Section 145(a)(3) that 'firewood processing and Christmas tree cultivation' should follow the words maple sugaring." **VOTE:** Amendment passes 7-0-0

9. **MOTION:** David Trask; Second: Toni Ferraro

David Trask offers an amendment that in Section 145(b)(8)(a) the words except for approved conservation cemeteries which shall be at least 10 acres in size" should be added. **VOTE:** Amendment passes 7-0-0

10. MOTION: David Trask; Second: Toni Ferraro

David Trask would like to amend where referenced the Lake Auburn watershed to include the Taylor Pond watershed as well. **VOTE:** Amendment passes 7-0-0

MOTION: Tim DeRoche; Second: David Trask

"I make a motion to approve the B option with said amendments (1-10)" **VOTE:** Motion passes 7-0-0.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Public Hearing and Text Amendment on AGRP Zone Proposals A and B
Date: June 6, 2023

I. Proposal:

The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at https://www.auburnmaine.gov/pages/government/planning-board-agendas and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

II. Materials:

1. Staff Report 6/6/2023
2. AGRP District Zoning Text Amendments- Proposal "A"- presented at the Planning Board Public Hearing 5/9/2023.
3. AGRP District Zoning Ordinance Text Amendments- Proposal "B" as directed by Planning Board for Planning Board Public Hearing 6/6/2023
4. Public Comment submitted 5/16/2023
5. Public Comment Submitted 5/30/2023

III. Planning Board Action:

The purpose of this public hearing is to hear from the community, to review the latest draft ordinance text, and to make a recommendation to the City Council on eliminating the income standard (outside Lake Auburn watershed). At the May 9, 2023, Planning Board meeting, the Planning Board held a public hearing on Proposal "A", drafted by the Planning Board and City Council. Staff recommended at the meeting that the Planning Board not approve the proposed text amendments and offered an alternative that a text and/or map amendment changing the zoning to Residential in defined areas in AGRP zone outside the Lake Auburn watershed could meet residential demand with fewer unintended consequences. That combined a modified version of the residential strip map while maintaining the concept of growing outward from the core. It also creates significant new opportunities for housing and leaves much of the AGRP zone functions in place. The option that staff recommended at the May 9, 2023, meeting would have upheld the income requirement in the remaining AGRP zone. Also, during this meeting, staff supported the possibility of an alternative proposal reflecting alternative connections between housing and agriculture as well as other permitted uses, not just traditional farms, as recommended by the Comprehensive Plan.

At the May 9, 2023, meeting, in addition to Proposal "A", a group of interested residents of Auburn, calling themselves the AGRP zone group, offered an alternative ordinance draft amendment as public comment which also eliminated the income standard, but added criteria to maintain the connection of housing to agriculture. The Board found strengths in Proposal "A" and in the public comment ordinance draft; specifically, that Proposal "A" afforded environmental protections that were not explicitly named in the existing, codified AGRP zone, but also that the public comment ordinance draft maintained a connection to agriculture that Proposal "A" did not. The Board decided to hold a hearing on a draft ordinance text amendment which accomplished the strengths in both Proposal "A" and the public comment ordinance draft. As such, Evan Cyr made a motion to table (the vote on whether to remove the income standard) until the next meeting (June 6, 2023) with direction to staff to create ordinance text amendment options for the Planning Board to review that incorporates the ideas presented in the AGRP zone group draft (presented as public comment during the May 9, 2023 public hearing) regarding tying residences to uses within the AGRP zone that would be congruent with the Comprehensive Plan and Proposal "A" originally presented for the May 9, 2023 meeting.

Staff has responded to this direction by drafting Proposal "B", which maintains the environmental protections and eliminates the income requirement as introduced in Proposal "A" and maintains the connection of housing to agriculture as a prerequisite for residential development. Proposal "B" goes further to expand the possible connection of housing as accessory to not only agriculture, but also other allowed uses in the AGRP zone including forestry, natural resource uses, and recreational uses. These connections expand the possibility of residential development in the AGRP zone because the range of uses which allow an accessory residential dwelling will be broadened, but it maintains the purpose and much of the fabric of the AGRP zone, while eliminating the income standard. Two proposed ordinance text amendments are before the Planning Board as Proposal "A" presented at the Planning Board Public Hearing 5/9/2023, and Proposal "B" as directed by Planning Board for Planning Board Public Hearing 6/6/2023. We have outlined the differences between the two proposals below.

The differences between Proposal "A" and Proposal "B" are as follows:

1. Proposal "B" adds the definition of "natural resource uses" to Sec. 60-2
2. Proposal "B" updates Sec. 60-2 by adding the definition of "recreational uses of land" to include sports field complexes larger than one acre in area, health and wellness centers, facilities for wedding or event venues when used for two or more events during a calendar year and includes "major recreational uses of land" and "recreational uses of land, small scale".
3. Proposal "B" adds the definition of "Recreational uses of land, small scale".
4. In Sec. 60-145(a)(1), Proposal "A" strikes the requirement that new dwellings are accessory to farming operations while Proposal "B" expands the requirement that new dwellings be connected to agriculture and recreational and natural resource uses, and adds criteria for determining whether the farm, recreational or natural resource use plan is acceptable. Both proposals add specification that residential development must be restricted to 20% of land coverage, and both define what constitutes residential development and introduce environmental restrictions for sitting this development. Both also remove the provision that dwellings connected to farm uses must remain connected to such uses.
5. Proposal "B" expands Sec. 60-145(a)(3) by including maple sugaring and mushroom cultivation, and other similar forest product uses.

6. Proposal "B" expands Sec. 60-145(a)(10) expands on the handling, storage and dale of agricultural products to add "processing" and "forestry products" and removes the provision that such products be derived from the property where the dwelling is sited.
7. Proposal "B" adds Sec. 60-145(a)(17) "natural resource uses".
8. Proposal "B" adds Sec. 60-145(a)(18) "small -scale recreational uses of land designed or intended for public use".
9. Proposal "B" changes Sec. 60-145(b)(5) special exception recreational uses are as "non-small scale".
10. Proposal "A" adds the same environmental restrictions as Sec. 60-145(a)(1) to Sec. 60-145 (b)(18) while Proposal "B" strikes any lot size distinctions for dwellings on legally existing lots from 6.1 to 10 acres in area.
11. In Sec. 60-146(1)(c), Proposal "B" adds the word "lawfully" to specify which lots existing as of October 1, 2017, are buildable, and strikes the requirement that these cases be treated as special exceptions.
12. Proposal "B" changes Sec. 60-952(b) prohibits new dwellings in the Lake Auburn Watershed portions of the AGRP zoning district.

IV. Suggested Motion:

I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal "B", Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal "B", and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in "Proposal B".

BE IT ORDAINED, that the City Council hereby approves the amendment of the text and map of Chapter 60, Zoning, of the Code of Ordinances as follows:

---

1. Amend Sec. 60-2 of ARTICLE I, IN GENERAL, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE I. IN GENERAL

● ● ●

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

● ● ●

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

● ● ●

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

● ● ●

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, sports field complexes larger than one (1) acre in area, health and wellness centers, motorhome or recreational vehicle parks or commercial campgrounds, and facilities for wedding or event venues when used for two or more events during a calendar year, or facilities for mass gatherings when used for two or more events during a calendar year. *See also* "Major recreational use of land" and "Recreational uses of land, small-scale".

Recreational uses of land, small-scale means permanent uses of outdoor space that are intended or designed for public use that are smaller or lower impact than other types of recreational uses of land, and include, but are not limited to, trails, water access or boat access facilities, foraging, outdoor education or training facilities, sports field complexes one (1) acre or less in area, and public gardens.

● ● ●

---

2. Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of S~~s~~ec.~~tion~~ 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~ The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter;

and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c~~b~~. No certificate of occupancy shall be issued for any such ~~farm~~ residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the

requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official~~er~~ charged with authority to issue the certificate of occupancy~~enforcement are 75 percent completed~~.

d~~c~~. In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

~~d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest, including, but not limited to, maple sugaring or mushroom cultivation.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage or processing and sale of forestry products or agricultural~~e~~ ~~produce~~products ~~and processed agricultural products derived from produce grown on the premises~~.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in S~~s~~ec.~~tion~~ 60-1501.

(17) Natural resource uses.

(18) Small-scale recreational uses of land designed or intended for public use.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Non-small scale ~~R~~recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Ssec.~~tion~~ 60-1501, subject to the following conditions:

(18) [RESERVED]~~One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:~~

~~a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and~~

~~b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and~~

~~c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~

~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~

~~2. The parcel can reasonably accommodate the proposed farm.~~

~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~

~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~

~~5. The proposed residence shall be accessory to farming.~~

~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~

~~d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.~~

~~e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~

~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~s~~Sec.~~tion~~ 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under S~~subs~~ec.~~tion~~ 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

3. To the extent possible, infrastructure shall not be located on steep slopes; and

4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Ssec.~~tion~~ 60-2.

c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing ~~greater than 6.1 acres but~~ less than ten acres~~,~~ only if approved ~~as a special exception~~ pursuant to ~~subs~~Sec.~~tion~~ 60-145(~~a~~b)(1~~8~~).

(2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

---

3. Amend Sec. 60-952 of ARTICLE XII, ENVIRONMENTAL REGULATIONS, DIVISION 4, *LAKE AUBURN WATERSHED OVERLAY DISTRICT*, as follows (additions are underlined; deletions are ~~struck-out~~):

ARTICLE XII. – ENVIRONMENTAL REGULATIONS

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

• • •

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),~~ New one-family detached dwellings are ~~only permitted~~ prohibited in the Lake Auburn Watershed District as of the date of adoption of amendments to this ordinance evidenced by Ordinance #XXXX ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~.

• • •

BE IT ORDAINED, that the City Council hereby approves the amendment of the text and map of Chapter 60, Zoning, of the Code of Ordinances as follows:

---

1. Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

● ● ●

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Ss~~tion~~ 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, ~~provided that the dwelling is accessory to farming operations and~~ subject to all of the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~ The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on wetlands; and

(v) Avoid being sited on slopes greater than 25%; and

(vi) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c~~b~~. No certificate of occupancy shall be issued for any such farm residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official~~r~~ charged with authority to issue the certificate of occupancy~~enforcement are 75 percent completed~~.

d~~c~~. In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

~~d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.

(10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.

(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.

(12) Wayside stands.

(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

(15) Marijuana manufacturing accessory to a licensed cultivation site.

(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Ssec~~tion~~ 60-1501.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:

a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.

(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

(5) Recreational uses of land intended or designed for public use subject to the following conditions:

a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.

b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:

a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.

b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:

a. At least 20 acres in area.

b. Not located in any environmental overlay district or over any known aquifer.

(9) Municipal sanitary landfills, subject to the following conditions:

a. Not located in any environmental overlay district or over any known aquifer.

b. Provisions shall be made to avoid surface water and groundwater pollution.

c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:

a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.

b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.

b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:

a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.

b. The proposed use shall not occupy more than 10,000 square feet of building area.

c. The number of employees shall be limited to not more than 15.

d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.

e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:

a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.

b. Provisions shall be made to avoid surface and groundwater pollution.

c. Provisions shall be made to counteract vermin, insects and odors.

d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.

e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of Ss~~s~~ec.~~tion~~ 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing ~~greater than 6.1, but~~ less than ten acres, ~~provided that the dwelling is accessory to farming operations and~~ subject to all of the following restrictions:

a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and~~The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land

coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Planning Board that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Planning Board that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on wetlands; and

(v) Avoid being sited on slopes greater than 25%; and

(vi) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c~~b~~. No certificate of occupancy shall be issued for any such ~~farm~~ residence until ~~the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications~~ satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official~~or~~ authority to issue the certificate of occupancy~~charged with enforcement are 75 percent completed~~; and

~~c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~

~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~

~~2. The parcel can reasonably accommodate the proposed farm.~~

~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~

~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~

~~5. The proposed residence shall be accessory to farming.~~

~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~

d. The parcel was existing as of October 1, 2017~~, contains more than five acres of land area,~~ and otherwise meets the requirements of this chapter.

e. In no case shall any ~~farm~~ residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement~~ lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(b)(18)(a).

~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in S~~s~~ec.~~tion~~ 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.

2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.

3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under S~~subs~~ec.~~tion~~ 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or

diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

    1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.

    2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.

    3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

    4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

    1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

    1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;

    2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;

    3. To the extent possible, infrastructure shall not be located on steep slopes; and

    4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

    1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.

    2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Ssec. ~~tion~~ 60-2.

c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing ~~greater than 6.1 acres but~~ less than ten acres~~,~~ only if approved as a special exception pursuant to subsection 60-145(b)(18).

(2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

---

2. Amend Sec. 60-952 of ARTICLE XII, ENVIRONMENTAL REGULATIONS, DIVISION 4, *LAKE AUBURN WATERSHED OVERLAY DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE XII. – ENVIRONMENTAL REGULATIONS

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

• • •

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),~~ New one-family detached dwellings are ~~only permitted~~ prohibited in the Lake Auburn Watershed District as of the date of adoption of amendments to this ordinance evidenced by Ordinance #XXXX ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~.

• • •

To: Auburn Planning Board
FROM: Evan Cyr

RE: AGRP Zoning Test Amendment, Proposal B

I am unable to attend this evening's Planning Board meeting, but would like to provide some comments regarding "Proposal B" in the Planning Board packet under the proposed AGRP zoning text amendment.

I think staff has a done a very good job of integrating a tie into agriculture and natural resource uses and that their draft represents the comments a directive given to the by the Planning Board. Overall, I believe that "Proposal B" represents the best solution for eliminating the income standard in the AGRP Zone that I have seen in my time on the Board. It eliminates the income standard while still avoiding conflict with the Comprehensive Plan. Additionally, "Proposal B" maintains much of the natural resource protection language that was first proposed in prior to "Proposal A". I believe "Proposal B" represents a reasonable alternative to the current income standard.

Having said this, I do have the following comments:

1. Sec. 60-145(a)(1)(a) should be reviewed considering some of the very large parcels in the AGRP zone. If a landowners uses the entirety of the 20% allowed, there could be unintended consequences. If a landowner were to do this, they necessarily could not then split their parcel because doing so would create non-conformity with ordinance. Their 20% residential envelope would be more than 20% of their new, smaller, lot. Specifically, the landowner would no longer be able to occupy their home as a residence under Sec. 60-145(a)(1)(d). This should be avoided. The Planning Board should consider identifying a maximum allowed envelope size on lots larger than 10acres. Using "20% or two acres, whichever is less" could be a reasonable solution.

2. Sec. 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses, rather than just farming. This should also be reflected in the subsections of this same section. There are several agricultural uses allowed in the AGRP zone that are not specifically farming.

3. Sec. 60-145(a)(1)(b)(vii) is superfluous. The original language included a prohibition 10 years after land had been unenrolled. This was meant to disincentivize the quick conversion of specific land types into residential land. I believe this is still worthwhile, but that the current language does not accomplish this goal. I believe the Planning Board should consider adding language that prohibits siting the residential development envelope on land that has been enrolled in one of the three State tax programs within the last 5 years. An example might look like the following:

   Sec. 60-145(a)(1)(b)(vii):

"(vii) Not be sited on any portion of a parcel that has been classified as being:
a. Enrolled in the State of Maine Farmland Tax Program within the last 5 years, or.."

4. Sec. 60-145(a)(1)(c) only references Sec. 60-145(a)(1)(a), but there are also requirements for the residence in a later section. Reference to Sec. 60-145(a)(1)(b) should also be made. This could be accomplished by revising to read:

   "No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) have been presented…"

5. Sec. 60-145(a)(1)(d) suffers the same deficiency as the section mentioned in number 4 of this list. The Planning Board should consider amending the end of the sentence to read:

   "… which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Sec. 60-145(a)(1)(b)(ii)."

6. Sec. 60-146(1) can be confusing. The implication is that the frontage must be on a publicly accepted street, but this may not be obvious to all readers. The Planning Board should consider amending the frontage requirement to read:

   "…and measuring less than 250 feet in width at the street frontage along a publicly accepted street,…"

7. Sec.60 146(3) utilizes a maximum depth of 30%. This could be a very deep setback depending on the depth of the lot itself. The Planning Board should consider whether the language should utilize the 30% maximum depth in conjunction with a maximum setback in feet, then require the use of whichever is less. 400ft may be an appropriate number to consider.

From: Steve Beale
To: "Katherine Cook"
Subject: June 5, 2023 suggested final amendments to proposal B
Date: Monday, June 5, 2023 4:40:05 PM

Katherine,

In electronic format, here are the suggested changes to Proposal B which we discussed earlier this afternoon.

In Section 145(a)(1)(a) insert the words"…or two acres, whichever is less." After the word "constructed."

In Section 145(a)(1)(b)(ii) insert the words "…or other permitted agricultural,…" after the word "farming."

In Section 145(a)(1)(b)(ii)(a) insert the words "…or other permitted agricultural…" after the word "farming…"

In Section 145(a)(1)(b)(iv) we believe that the State's exclusive authority over the definition of "essential habitat" renders this subsection, which is subject to interpretation and application by the local Code Enforcement Officer, unenforceable and of no legal effect, and that it should therefore be deleted.

In Section 145 (a)(1)(b)(vi) another provision of the City's ordinances contains an absolute prohibition on construction of a residence on any slope of greater than 25 degrees in any of the City's zoning districts and thus makes this subsection, with its less than mandatory language, conflicting and inoperable. It should therefore be deleted.

In Section 145(a)(3) the words "…firewood processing, Christmas tree cultivation…" are recommended for insertion after the words "maple sugaring…"

In Section 145(a)the word "Beekeeping" is recommended as a new subsection (a)(12), with subsequent subsections renumbered accordingly.

In Section 145(b)(8)(a) the words “…except for approved conservation cemeteries, which shall be at least 10 acres in size.” should be added at the end of the present subsection.

From:	scncfairchild@aol.com
To:	kcook@auburnmaine.gov
Subject:	Public comment for Planning Board packet
Date:	Monday, June 5, 2023 3:36:09 PM

For public comment/Planning Board packet:

Just as restrictions to development in the Lake Auburn Watershed District are being proposed, so too, the AG/RP land in the Taylor Pond Watershed district should not be developed residentially, in order to help protect the quality of the water, on which the uses and value of the pond and property values to the city depend.

Carol Dennis
Terrace Rd., Auburn

ORDINANCE 10-06202023

City Council Ordinance

IN CITY COUNCIL

Amending the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District.

Be it ordained, That the Auburn City Council amend the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District as shown in the attached "Proposal B" with an amendment to replace the text "Ordinance #XXXX" on page 10 of Proposal B with the text " Ordinance # 10-06202023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 10, 2023 **Order:** 93-07102023

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the MSEA SEIU 1989 covering 07/01/2023 to 06/30/2026

Information: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the MSEA SEIU 1989 covering 07/01/2023 to 06/30/2026

The following is a summary of the changes:

- FY 24: $1.00; 2% Performance Increase;
- FY 25: 2.5% Cola; 2.5 % Performance;
- FY 26: 2.5 % Cola; 2% Performance;
- $100 increase in annual clothing allowance for certain positions;
- 6 Floaters in for 6 holidays for certain positions

City Budgetary Impacts:

- $229,446.00 over three-year contract.

Staff Recommended Action: Staff recommends the City Council vote for passage.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 93-07102023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the MSEA SEIU Local 1989, effective 07/01/2023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet
July 10, 2023

Council Workshop or Meeting Date: July 10, 2023 **Orders:** 94-07102023 through 97-07102023

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of City-Owned Properties Bids

Information: The Economic Development Department issued a for Sale by Sealed Bid request on four city owned properties: 103 Newbury Street, 115 Newbury Street, 351 Main Street, and 369 Main Street.

The request included the following text. "The City shall consider which proposal will result in an overall higher benefit than comparable proposals; Net tax revenues, overall compatibility with the neighborhood and purchase price will be considered. The City reserves the right to reject all proposals…The proposed purchase price must be included in the submitted proposal. Each proposal must include a short narrative, on a separate sheet of paper, explaining what the property will be used for and what, if anything, will be built on the property. Sketches, drawings, and renderings are welcome, but not required."

103 Newbury Street and 115 Newbury Street:

Staff recommends accepting the bids from Oleg Opalnyk for 103 Newbury Street and 115 Newbury Street because his bids show the greatest potential to result in an overall higher benefit in net tax revenues, while providing a greater number of residential units. In addition, Mr. Opalnyk is a building contractor with experience in similar projects. (Details are included in the attachments for this information sheet.)

351 Main Street:

Staff recommends accepting the bid from Oleg Opalnyk for 351 Main Street because his bid shows the greatest potential to result in an overall higher benefit in net tax revenues by providing commercial space on the first floor while providing a greater number of residential units. In addition, Mr. Opalnyk is a building contractor with experience in similar projects. (Details are included in the attachments for this information sheet.)

369 Main Street:

Staff recommends retaining 369 Main Street and authorizing the City Manager to market and execute the sale of 369 Main Street through Bill Bergeron with Fontaine Family Realty.

City Budgetary Impacts: None

Staff Recommended Action: Approve the orders as presented.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Bid Sheets

PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: Ian M

Company: _____

Name (print): Ian J. McCarty

Telephone #: 207-232-8326

Title: _____

Fax #: _____

Address: 246 Oak St., Apt. 2, Lewiston, ME 04240

Email Address: ianmccartyme@gmail.com

STATE OF MAINE, County of Androscoggin, SS. Date: 05/08/2023

Ian McCarty personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

ANGELA T. RICHARDSON
Notary Public, State of Maine
My Commission Expires Mar. 08, 2030

Notary Public

Angela Richardson
Print Name

March 8, 2030
Commission Expires

I bid $6,000 on Parcel ID 221-044, 369 Main Street. I would like to create a short-term rental focused on bass and Pike fishing on our underappreciated Androscoggin River. Focusing attention on this under-utilized resource could bring sportsmen and women to Auburn from far away.

Thank you for your consideration.

- Ian

PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: Oleg Opalnyk

Company: OPO Custom Design & Restoration LLC

Name (print): Oleg Opalnyk

Telephone #: 207 210 2888

Title: Owner / President

Fax #: none

Address: 25 Tryon Rd Pownal ME 04069

Email Address: opalnyk@gmail.com

STATE OF MAINE, County of Androscoggin, SS. Date: May 9, 2023

Oleg Opalnyk personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

Notary Public

ANGELA T. RICHARDSON
Notary Public, State of Maine
My Commission Expires Mar. 08, 2030

Angela Richardson
Print Name

March 8, 2030
Commission Expires

CITY OWNED PROPERTY BID SPECIFICATION SHEET

PROPERTY LOCATION	PARCEL ID	MINIMUM BID	BID
369 Main Street	221-044	$5,000	
351 Main Street	221-048	$5,000	
115 Newbury Street	221-055	$5,000	
103 Newbury Street	221-058	$5,000	1,000. —
		GRAND TOTAL	1,000. —

Bidders may bid on one or more properties using this Bid Specification Sheet.

BIDDER INFORMATION					
Name:	Oleg Opalnyk / OPO Custom Design & Restoration LLC			Phone:	207 210 2888
Address:	25 Tryon Rd				
Email:	opalnyk@gmail.com				
City:	Pownal	State:	ME	Zip:	04069
Amount of Bid:	$1,000. —		Amount of Deposit Enclosed:		$ 1,000. —

A 10% deposit is required with each bid. If the bid is successful, this amount will be subtracted from the balance due. If you are not the successful bidder, this amount will be returned to you immediately.

Please indicate on the outside of the sealed envelope, the parcel ID and location of the property you are bidding on. Bids must be submitted to Derek Boulanger, Facilities Manager/Purchasing Agent by **2:00 p.m. on Tuesday, May 09, 2023.** The City Council reserves the right to reject all bids received.

CUSTOM DESIGN
&
RESTORATION, LLC

DATE: 5/8/2023

Letter to:
City of Auburn, ME

Oleg Opalnyk, President
25 Tryon Road
Pownal, ME 04069
(207) 210-2888

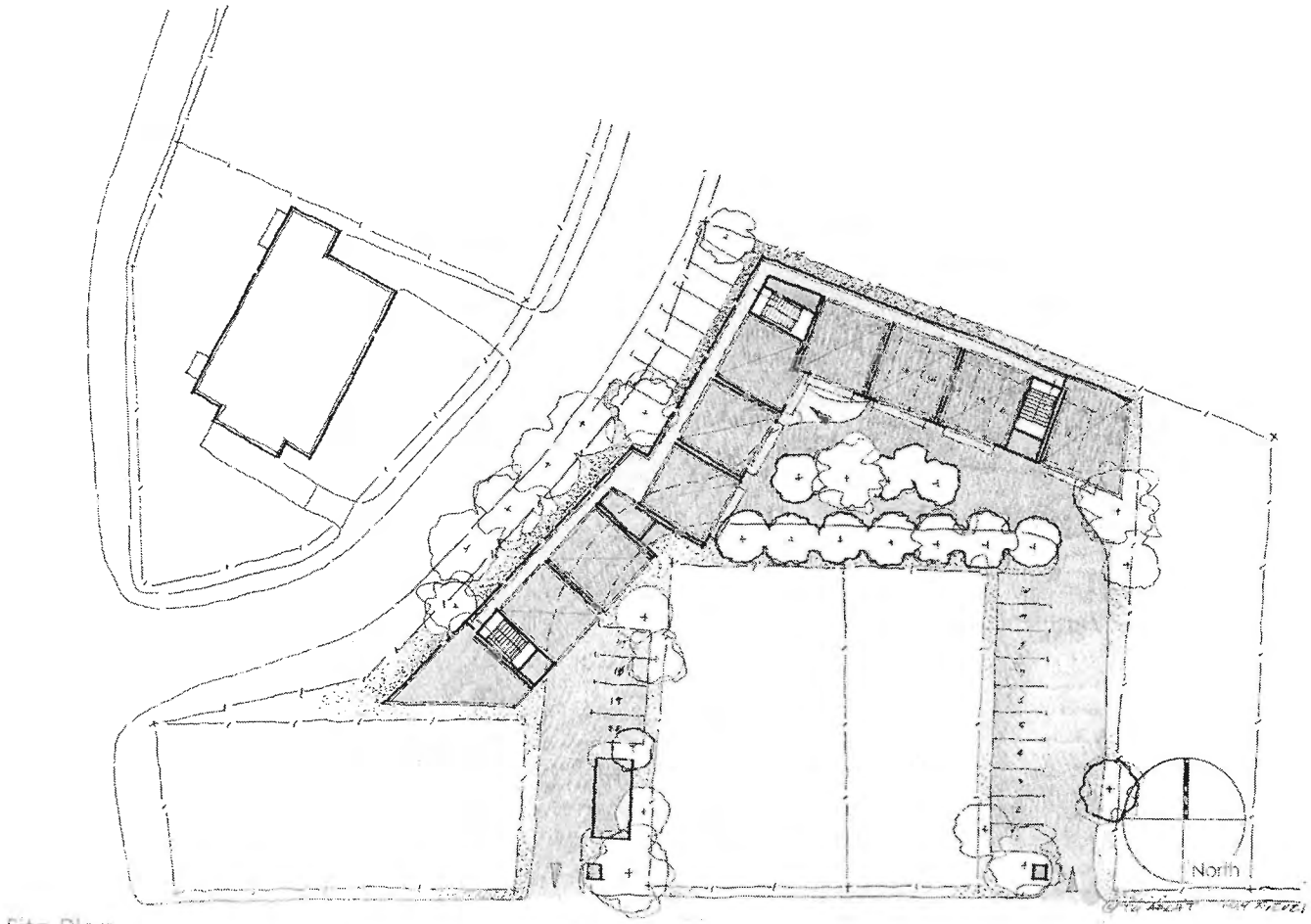
I, Oleg Opalnyk/OPO Custom Design & Restoration, LLC am the owner of 34 Laurel Avenue #221-051. I would like to build multi-unit apartment building on this parcel. The parcel is landlocked. In order for me to build on this land, I would like to purchase 103 Newbury Street #221-058 to provide access to my landlocked parcel. This will address the access and parl needs for theses apartments. I request to purchase this parcel from the City of Auburn for $1,000.00.

The tentative plans for parcel #221-051 on 34 Laurel Avnue have been emailed along with this letter. The plans are for a 16 unit residential rental property. This will generate tax revenue for the City of Auburn. That tax revenue will be considerably higher than potential tax revenue for a building on parcel #221-058.

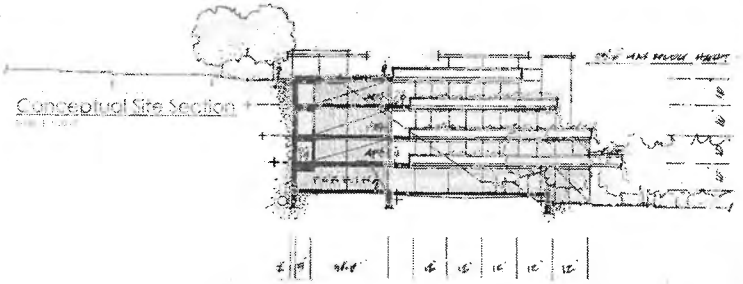
Thank you for your consideration.

Oleg Opalnyk

President, OPO Custom Design & Restoration, LLC



Site Plan



Conceptual Site Section

Study B

Laurel Avenue Hillside Apartments

14,735-43 Laurel Avenue, Auburn, Maine

Tarbox Architects / Architects: Jeffrey M. Tarbox, Massachusetts, ph. (207) 941-1234

PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: Oleg Opalnyk

Company: OBO Custom Design & Restoration, LLC

Name (print): Oleg Opalnyk

Telephone #: 207 210 2888

Title: Owner / President

Fax #: none

Address: 25 Tryon Rd Pownal ME 04069

Email Address: opalnyk@gmail.com

STATE OF MAINE, County of Androscoggin, SS. Date: May 9, 2023

Oleg Opalnyk personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

Notary Public

ANGELA T. RICHARDSON
Notary Public, State of Maine
My Commission Expires Mar. 08, 2030

Angela Richardson
Print Name

March 8, 2030
Commission Expires

CITY OWNED PROPERTY BID SPECIFICATION SHEET

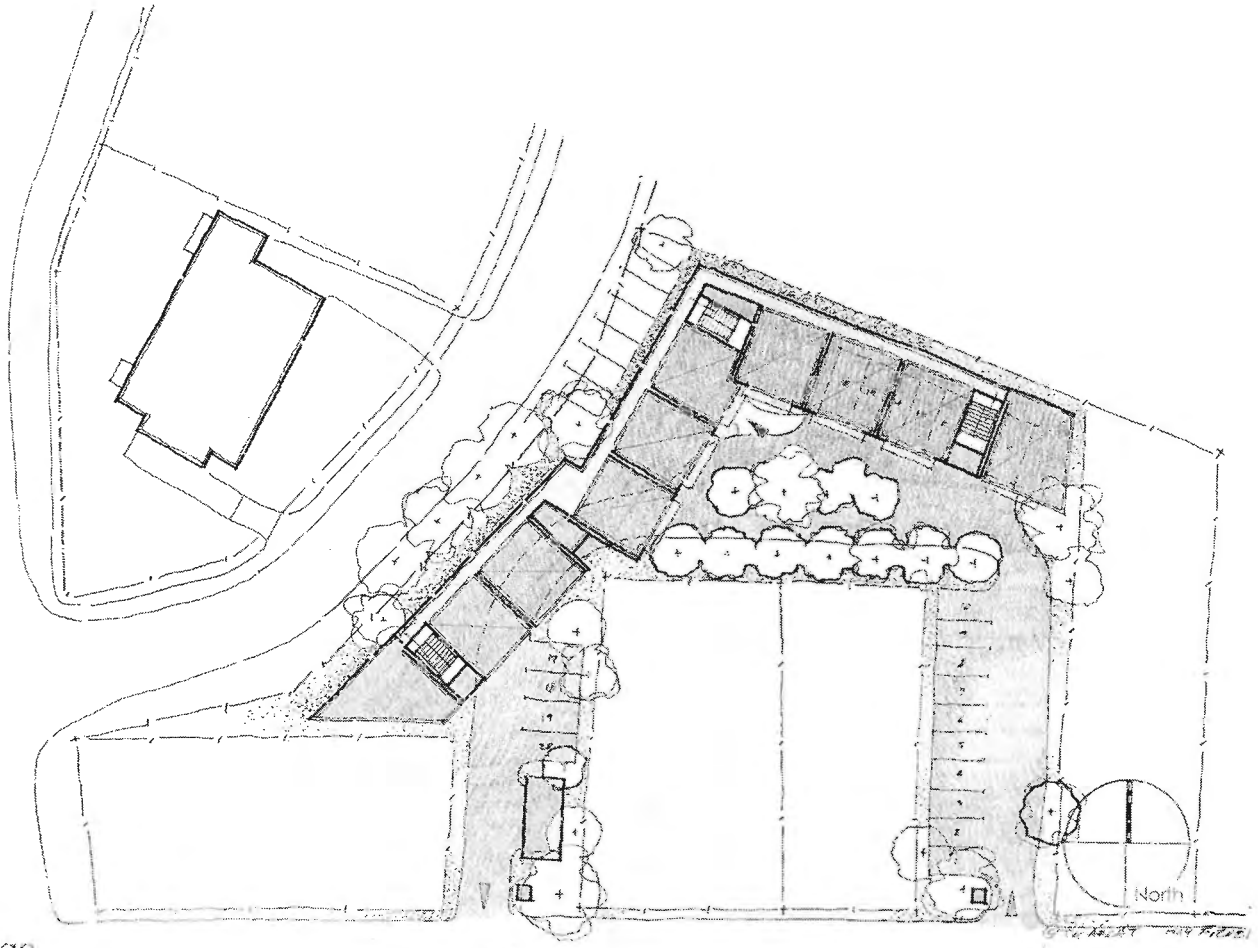
PROPERTY LOCATION	PARCEL ID	MINIMUM BID	BID
369 Main Street	221-044	$5,000	
351 Main Street	221-048	$5,000	
115 Newbury Street	221-055	$5,000	1,000.—
103 Newbury Street	221-058	$5,000	
		GRAND TOTAL	1,000.—

Bidders may bid on one or more properties using this Bid Specification Sheet.

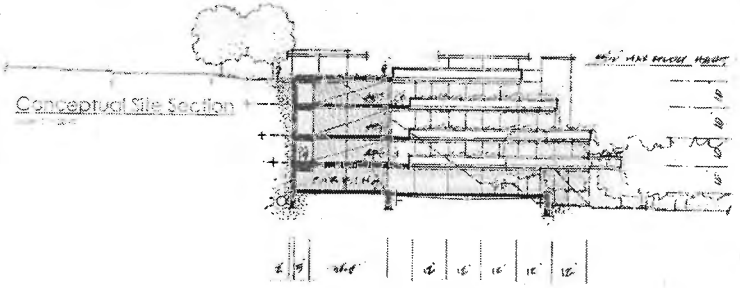
BIDDER INFORMATION					
Name:	Oleg Opalnyk / 080 Custom Design & Rest.			Phone:	207 210 2888
Address:	25 Tryon Rd Pownal ME 04069				
Email:	opalnyk@gmail.com				
City:	Pownal	State:	ME	Zip:	04069
Amount of Bid:	$ 1,000.—		Amount of Deposit Enclosed:		$ 1,000.—

A 10% deposit is required with each bid. If the bid is successful, this amount will be subtracted from the balance due. If you are not the successful bidder, this amount will be returned to you immediately.

Please indicate on the outside of the sealed envelope, the parcel ID and location of the property you are bidding on. Bids must be submitted to Derek Boulanger, Facilities Manager/Purchasing Agent by **2:00 p.m. on Tuesday, May 09, 2023.** The City Council reserves the right to reject all bids received.



Site Plan



Conceptual Site Section

Study B

Laurel Avenue Hillside Apartments

CUSTOM DESIGN
&
RESTORATION, LLC

DATE: 5/8/2023

Letter to:
City of Auburn, ME

Oleg Opalnyk, President
25 Tryon Road
Pownal, ME 04069
(207) 210-2888

I, Oleg Opalnyk/OPO Custom Design & Restoration, LLC am the owner of 34 Laurel Avenue #221-051. I would like to build multi-unit apartment building on this parcel. The parcel is landlocked. In order for me to build on this land, I would like to purchase 115 Newbury Street #221-055 to provide access to my landlocked parcel. This will address the access and parl needs for theses apartments. I request to purchase this parcel from the City of Auburn for $1,000.00.

The tentative plans for parcel #221-051 on 34 Laurel Avnue have been emailed along with this letter. The plans are for a 16 unit residential rental property. This will generate tax revenue for the City of Auburn. That tax revenue will be considerably higher than potential tax revenue for a building on parcel #221-055.

Thank you for your consideration.

Oleg Opalnyk

President, OPO Custom Design & Restoration, LLC

PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: _____ Company: OPO Custom Design & Restoration LLC

Name (print): Oleg Opalnyk Telephone #: 207 210 2888

Title: Owner/President Fax #: none

Address: 25 Tryon Rd Pownal ME 04069

Email Address: opalnyk@gmail.com

STATE OF MAINE, County of Androscoggin, SS. Date: May 9, 2023

Oleg Opalnyk personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

ANGELA T. RICHARDSON
Notary Public, State of Maine
My Commission Expires Mar. 08, 2030

_____
Notary Public

Angela Richardson
Print Name

March 8, 2030
Commission Expires

CITY OWNED PROPERTY BID SPECIFICATION SHEET

PROPERTY LOCATION	PARCEL ID	MINIMUM BID	BID
369 Main Street	221-044	$5,000	
351 Main Street	221-048	$5,000	1,000.—
115 Newbury Street	221-055	$5,000	
103 Newbury Street	221-058	$5,000	
		GRAND TOTAL	1,000.—

Bidders may bid on one or more properties using this Bid Specification Sheet.

BIDDER INFORMATION					
Name:	Oleg Opalnyk/OPO Custom Design & Rest.			Phone:	207 210 2888
Address:	25 Tryon Rd				
Email:	opalnyk@gmail.com				
City:	Pownal	State:	ME	Zip:	04069
Amount of Bid:	$ 1,000.—		Amount of Deposit Enclosed:		$ 1,000.—

A 10% deposit is required with each bid. If the bid is successful, this amount will be subtracted from the balance due. If you are not the successful bidder, this amount will be returned to you immediately.

Please indicate on the outside of the sealed envelope, the parcel ID and location of the property you are bidding on. Bids must be submitted to Derek Boulanger, Facilities Manager/Purchasing Agent by **2:00 p.m. on Tuesday, May 09, 2023.** The City Council reserves the right to reject all bids received.

CUSTOM DESIGN
&
RESTORATION, LLC

DATE: 5/8/2023

Letter to:
City of Auburn, ME

Oleg Opalnyk, President
25 Tryon Road
Pownal, ME 04069
(207) 210-2888

I/OPO Custom Design & Restoration, LLC am the owner of 345 Main Street parcel #221-049. It is my plan to build on this parcel. The building would include a commercial space and a residence above it. There are currently no renderings available
I request to purchase a neighboring lot:351 Main Street parcel #221-048 for $1,000.00. This lot will provide additional parking for the building on 345 Main Street.

Thank you for your consideration.

Oleg Opalnyk

President, OPO Custom Design & Restoration, LLC

PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: _____ Company: Jacob Weisberg

Name (print): Jacob Weisberg Telephone #: 508-596-1301

Title: — Fax #: _____

Address: _____

Email Address: jake.weisberg@gmail.com

STATE OF MAINE, County of _____, SS. Date: _____

_____ personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

_____
Notary Public

_____
Print Name

_____
Commission Expires

CITY OWNED PROPERTY BID SPECIFICATION SHEET

PROPERTY LOCATION	PARCEL ID	MINIMUM BID	BID
369 Main Street	221-044	$5,000	—
351 Main Street	221-048	$5,000	5,500
115 Newbury Street	221-055	$5,000	—
103 Newbury Street	221-058	$5,000	6,800
		GRAND TOTAL	12,300

Bidders may bid on one or more properties using this Bid Specification Sheet.

BIDDER INFORMATION					
Name:	Jacob Weisberg			Phone:	508-596-1301
Address:	32 Powder House Blvd				
Email:	jake.weisberg@gmail.com				
City:	Somerville	State:	MA	Zip:	02144
Amount of Bid:	$ 12,300		Amount of Deposit Enclosed:		$ 1,230

A 10% deposit is required with each bid. If the bid is successful, this amount will be subtracted from the balance due. If you are not the successful bidder, this amount will be returned to you immediately.

Please indicate on the outside of the sealed envelope, the parcel ID and location of the property you are bidding on. Bids must be submitted to Derek Boulanger, Facilities Manager/Purchasing Agent by **2:00 p.m. on Tuesday, May 09, 2023.** The City Council reserves the right to reject all bids received.

I would be interested in purchasing either lot 221-048 or lot 221-058 with the intent of developing small dwelling units (possibly using the state's recently-adopted building code for homes under 400 sq ft), placing one or multiple units on each lot with design elements consistent with the traditional New Englander-style homes in the neighborhood. I am nearing completion on renovations of a tax-acquired property that I purchased from the city a few years ago, and these would appeal as a project for the near future.

Jake Weisberg

ORDER 94-07102023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the sealed bid from Olan Opalnyk for 103 Newbury Street and authorizes the City Manager to execute the sale.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 95-07102023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the sealed bid from Olan Opalnyk for 115 Newbury Street and authorize the City Manager to execute the sale.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 96-07102023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the sealed bid from Olan Opalnyk for 351Main Street and authorizes the City Manager to execute the sale.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 97-07102023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes retaining 369 Main Street and further authorizes the City Manager to market and execute the sale of 369 Main Street through Bill Bergeron with Fontaine Family Realty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
August 7, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. PAL Center Update – John Blais & Derek Boulanger
B. New Housing Starts and Projections T-4.2B and Beyond – Eric Cousens
C. Public Safety Building – Woodard & Curran
D. Executive Session – Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.
E. Executive Session – Labor contract, pursuant to 1 M.R.S.A. §405(6)(D) with possible action to follow under New Business.

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Walker

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 99-08072023*
Confirming Chief Moen's appointment of constables with firearms and arrest powers for the Auburn Police Department.

2. Order 100-08072023*
Confirming Chief Moen's appointment of Cameron Mason as constable, without firearm, for the Auburn Police Department.

3. Order 101-08072023*
Casting the voting ballot for the 2024 Maine Municipal Association's Vice President and Executive Committee Members as nominated by the MMA Nominating Committee.

4. Order 102-08072023*
Confirming Mayor Levesque's appointment of Andy Titus as full member of the Ethics Panel with a term expiration of 11/1/2025.

5. Order 103-08072023*
Authorizing the Mayor to execute the Edward Byrne Justice Assistance Grant Program FY2023 Local Solicitation-Certifications and Assurances by the Chief Executive of the Applicant Government document to be submitted with the grant application.

II. Minutes

- June 20, 2023, Regular City Council Meeting
- July 10, 2023, Special City Council Meeting

III. Communications, Presentations and Recognitions

- Presentation – Project Support You (PSY) Update
- Communication – Business License Denial - Medical Marijuana Cultivation Facility for Marc Fishman
- Communication – Aquatic Center in Auburn (Mayor Jason Levesque)
- Communication – Naming of City Facilities and Infrastructure (Mayor Jason Levesque)
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Order 104-08072023
Approving the Mass Gathering application for the Auburn Blues & Brews event to be held on Saturday, September 9, 2023. Public hearing and vote.

2. Order 105-08072023
Allocating funds ($50,000) from the American Rescue Plan Act (ARPA) for the Auburn Victory Gardens Program.

3. Order 106-08072023
Adopting the School Maintenance Labor Contract.

4. Order107-08072023
Authorizing the Auburn-Lewiston Municipal Airport Board of Directors to designate and sell surplus personal property.

5. Order108-08072023
Amending the loan between the City's General Fund and the Auburn-Lewiston Municipal Airport to extend the maturity from FY2034 to FY2036.

6. Order 109-08072023
Approving the liquor license for Gippers (new ownership). Public hearing and vote.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. **Executive Sessions -** Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

X. **Adjournment**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: Workshop, August 7th, 2023

Author: John Blais

Subject: PAL Update/Order discontinuance of 250+/- Chestnut Street as a city street/LWCF Land Swap

---

Information: Schematic Design/PAL Update (14,258 SF) by Austin Smith from Simons Architects and Megan McDevitt from Woodard and Curran.

City Staff is requesting the city to discontinue 250' +/- of Chestnut Street/Public Way, as a City Street, to provide a more robust site plan that puts youth safety playing outdoors at the pinnacle for total development of the new PAL Center (Updates Attached). The discontinuance of the" town way" will follow the Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Chestnut street was recorded as a named street in Council Records 11-350 (9/10/1923) & 11-485 (2/16/1925).

The street has been designed to be discontinued to create pedestrian connectivity for Union Street Gully Park that will link 6.1 acres of the upper section to the 2.7 acres of the lower section without vehicular traffic for greater safety and more flexibility for the total buildout of the PAL building and the associated features surrounding the site development.

Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) and identifying a portion (s) of that land to be converted to Land and Water Conservation Fund (LWCF) Property or out of LWCF property.

City Budgetary Impacts: Survey and Yellow Book Appraisal work. $15,000

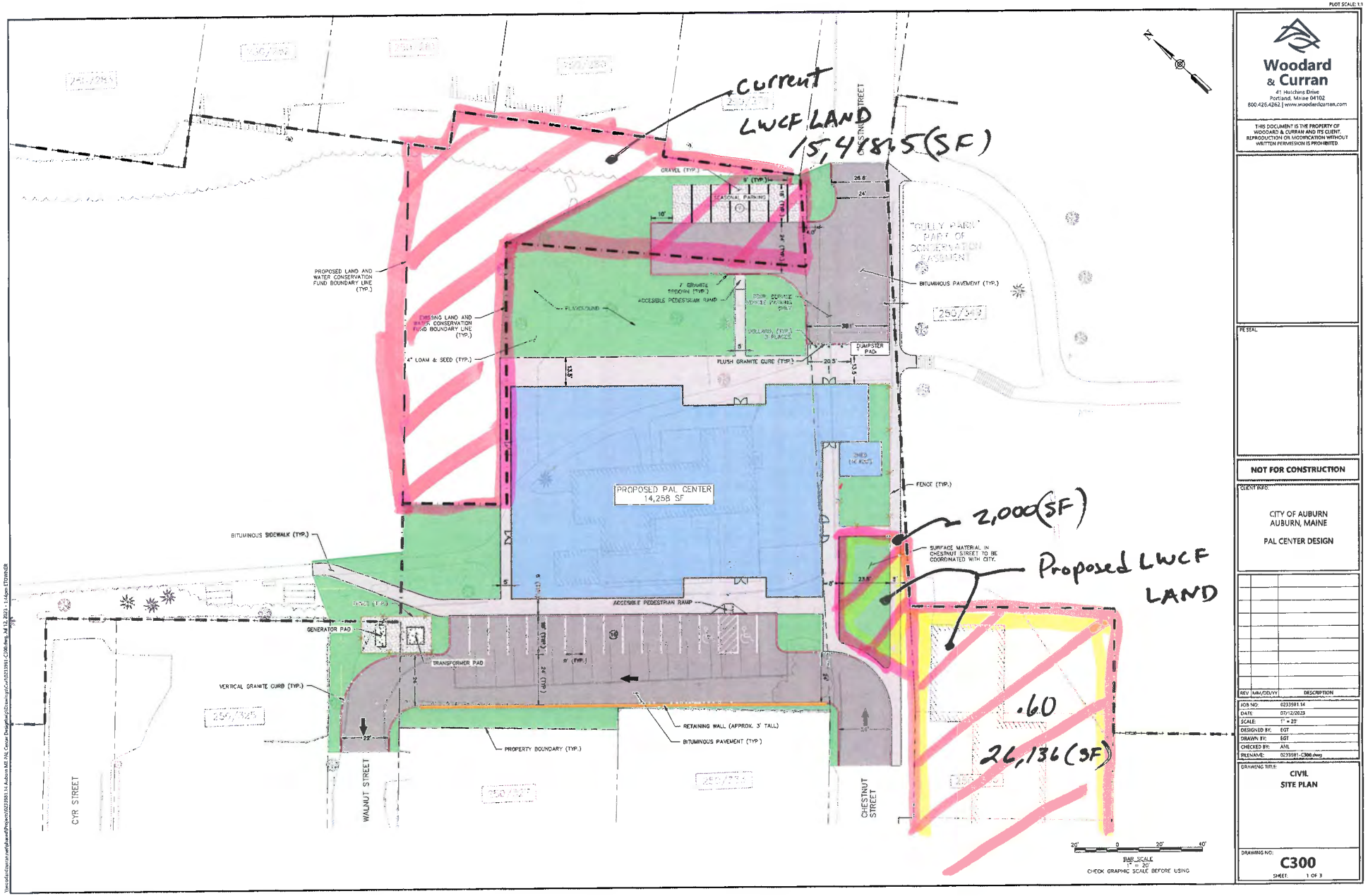
Staff Recommended Action: Move the request through public notice, and city council approval to accept the discontinuance a section (250' +/-)of Chestnut Street upon positive recommendation by City of Auburn Planning Board. Move PAL design to Design Development and move the LWCF swap forward.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Site plan



22x34
PLOT SCALE: 1:1

Woodard & Curran
41 Hutchins Drive
Portland, Maine 04102
800.426.4262 | www.woodardcurran.com

THIS DOCUMENT IS THE PROPERTY OF WOODARD & CURRAN AND ITS CLIENT. REPRODUCTION OR MODIFICATION WITHOUT WRITTEN PERMISSION IS PROHIBITED

PE SEAL

NOT FOR CONSTRUCTION

CLIENT INFO:

CITY OF AUBURN
AUBURN, MAINE

PAL CENTER DESIGN

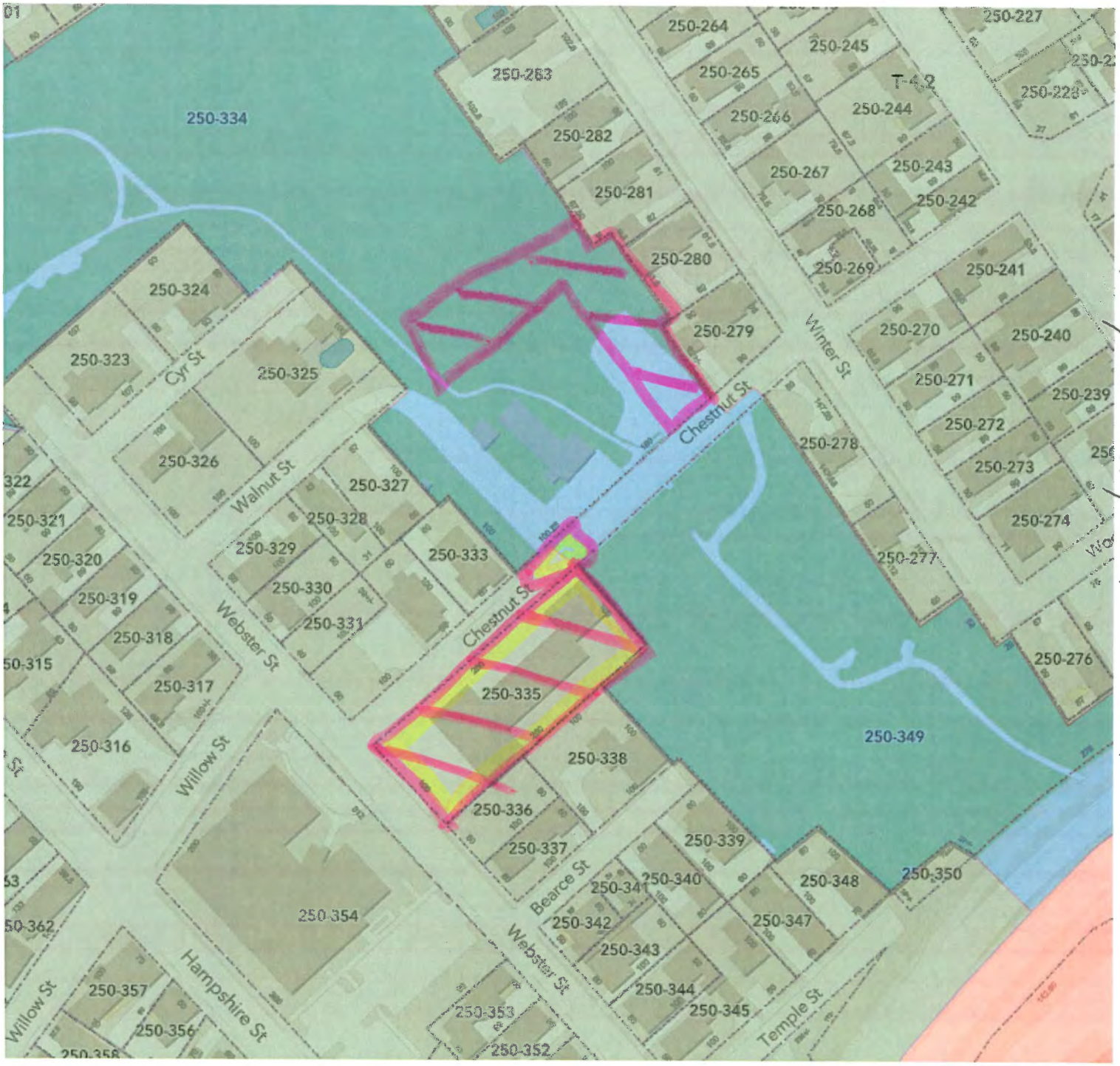
REV	MM/DD/YY	DESCRIPTION

JOB NO:	0233581.14
DATE:	07/12/2023
SCALE:	1" = 20'
DESIGNED BY:	EGT
DRAWN BY:	EGT
CHECKED BY:	ANL
FILENAME:	0233581-C300.dwg

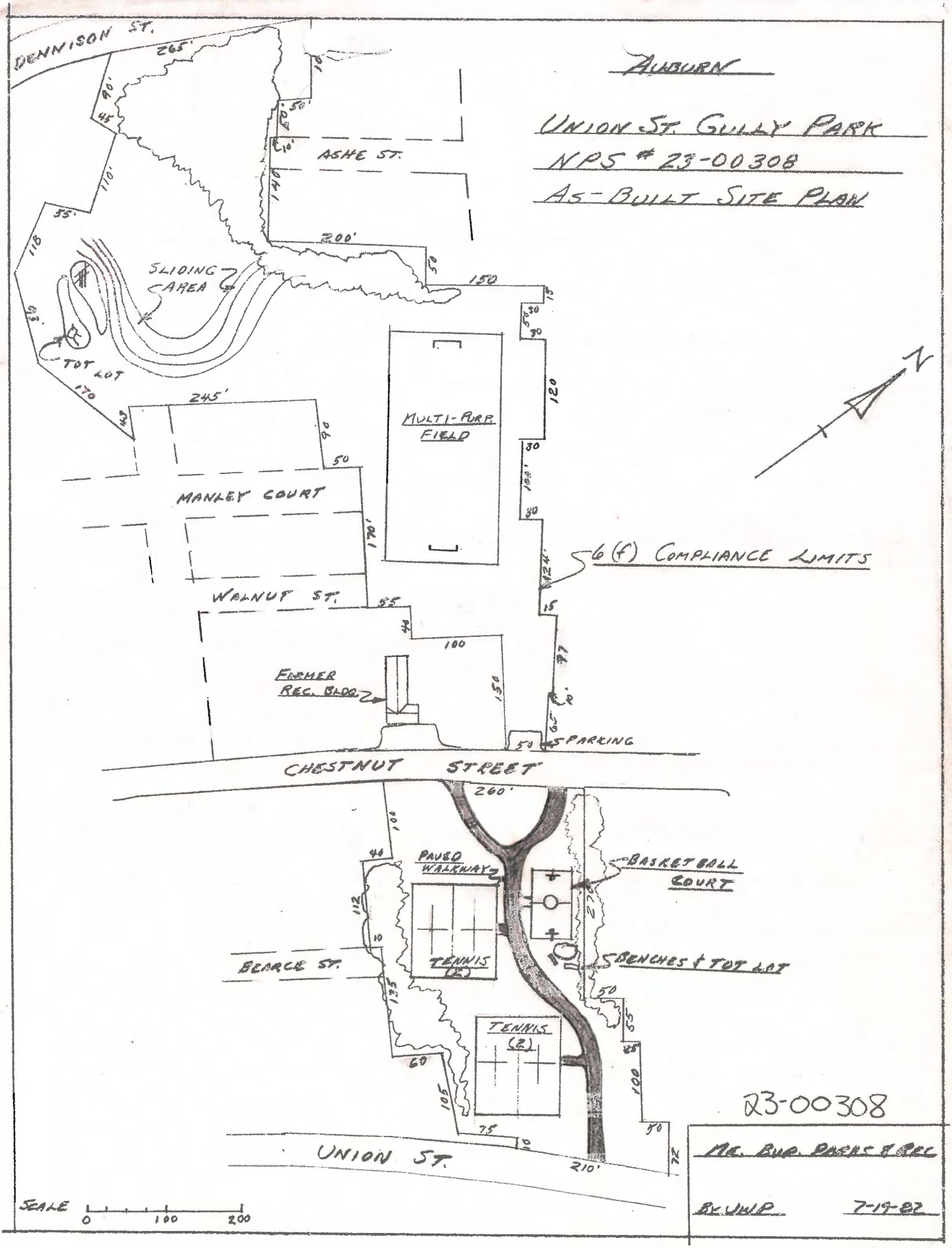
DRAWING TITLE:
CIVIL
SITE PLAN

DRAWING NO:
C300
SHEET 1 OF 3

\\woodardcurran.net\shared\Projects\0233581.14 Auburn ME PAL Center Design\Work\Drawings\Civil\0233581-C300.dwg, Jul 12, 2023 - 1:14pm ETOWNSR



PAL/Union Gully St. Park Land Swap



23-00308

ME. DEP. PARKS & REC.

BY: JWP 7-19-82

City of Auburn, Maine
Office of the City Manager
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

June 11, 2021

Department of Agriculture, Conservation, and Forestry – ATTN: Mr. Doug Beck
Bureau of Parks and Lands, Grants and Community Recreation Program
54 Independence Drive - 124 State House Station
Augusta, ME 04333-0124

Dear Doug,

Please find this letter as the City of Auburn's official correspondence on the **Site Feature Update** for the **Union Street 'Gully' Park Project**. We continue to work on completing items laid out in our Project Compliance Remediation Plan and Timeline.

Please reach out if you have any concerns or questions. We appreciate your continued effort to work with City staff throughout this process.

Best regards,

Phillip L. Crowell Jr.

Phil Crowell
City Manager

Site Feature Update
June 11, 2021
City of Auburn

This document serves as the official notification to the State of Maine of the **Site Feature Update** for the following LWCF Project;
Political Subdivision: **City of Auburn**
Project Title: **Auburn-Union St., Gully Park**
Project Number: **NPS 23-00308**

Originally funded LWCF Project 6-14-1976 to 12-31-1978:

One (1) multi-use, multi-season recreational area on City owned Land located between Union Street and Dennison Street in Auburn. The city recognizes the Park as Gully Park. 1200 SF recreation building addition (not built-due to limited funding), four (4) lighted tennis courts, a combination play area /skating rink, one (1) ballfield (wood backstop only), one (1) playlot, one (1) volleyball area, jogging path, utilities and appurtenances and equipment.

Site Current Conditions:

The multi-use, multi-season recreational area (slightly enlarged), combination play area (sledding and tot lot area), recreation building remains the same from the original site plan. In 2013, the City of Auburn converted the area consisting of four (4) lighted tennis courts and volleyball area into three (3) paved, lined and lighted Basketball Courts as Tennis was no longer popular and the demand for more outdoor basketball courts grew. The Volleyball court was converted into a playground to supply the need for more play space in that south end of the park. The 'court' area continues to support a jogging path that continue to connect walkability from the Union St by-pass to Dennison St. at the southeast portion of the lot. The original 'Tot Lot' area has been relocated near the multi-use field and recreation building. The ballfield (wood backstop) was removed to meet the demand of the growing sport of soccer as the field was slightly expanded to meet regulation size for organized youth soccer at the multi-purpose field. The land, utilities and supporting infrastructure remain the same as originally approved under the original LWCF Project.

Future Plan:

Currently the City is working towards installing two Futsal Courts in the court area where there is a playground (former Volleyball court area). Futsal Courts are mini soccer fields on a paved surface that utilizes a smaller weighted ball and focuses on footwork development on a smaller court. Installing Futsal Courts would satisfy the increase in demand for soccer related activities. With a larger New Mainer population in the neighborhood, the New Mainers are accustomed to playing soccer in their native lands and thus seek areas in which they can continue to play soccer. In addition, youth soccer has 3M strong country wide and has shown population growth in Maine over the last 10 Years. The playground that is in this proposed Futsal location will be moved to existing playground to expand the

playground footprint on the north end of the park. In addition, the city working on acquiring another parcel of land for a park, if successful the city will request to move it to the new location.

City has secured all funding needed to move forward with the installation of the Futsal Courts and is seeking review and approval from the State of Maine. If approved, this project would be scheduled for July/August 2021 installation and an unveiling by September 2021.

Other Notes for this Site:

The city has made improvements to the parking areas by the recreation building (city funds) and are exploring options to expanding the recreation building, both are NOT within the LWCF project boundary, but support and enhance users of the park.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: New Housing Starts and Projections T4.2B and Beyond

Information: Review new housing picked up this tax year, permits since then and projections. Staff will give an overview of mapped new housing that was added to the tax base for FY 2024, review permits issued late 2023-current that will likely be added for next fiscal year and

---

City Budgetary Impacts:

Staff Recommended Action: Discussion

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023

Author: Brian Wood, Assistant City Manager

Subject: Proposed Combined Public Safety Facility

Information:
In April, 2011, the Auburn Police Department moved from it's One Minot Avenue location to Auburn Hall. This move, necessitated by costly unhealthy and structural conditions that needed remediation, was intended to be a temporary solution. A window of 5 years was set to begin the phases of planning, construction and move to a new police department facility.

During this time and since, the fire department has been challenged with employee health and safety issues. Workforce diversity accommodations are a basic human rights issue. Separate sleeping quarters and bathroom facilities need to be gender neutral. On August 2, 2021, a public safety facility study was completed and presented to City Council with a recommendation that a public safety facility be built to house both departments.

A Public Safety Committee Ad-Hoc Committee was formed following City Council's resolve on September 6, 2021, to review options, secure cost estimates, and make recommendations. A Final committee report was presented to City Council on September 6, 2022. In February, 2023, the City of Auburn was awarded $2,500,000. in Congressionally Directed Spending (CDS) funds to be used towards the construction of a new public safety building.

Currently, space and health needs for both departments are not being met. It is not in the best interest of the residents and business communities of the City of Auburn to do nothing. It is the recommendation of the Ad-Hoc Committee and public safety staffs to move forward with the design and construction of a shared public safety facility to be located at 550 Minot Avenue.

City Budgetary Impacts: To be determined.

Staff Recommended Action: Discussion.

Previous Meetings and History: August 2, 2021, September 6, 2022

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

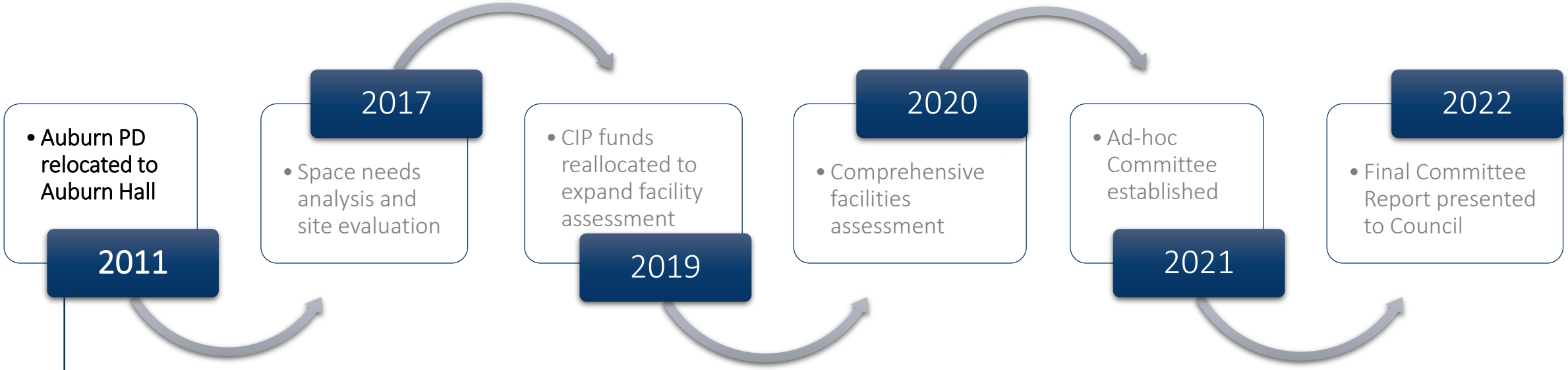
- Auburn Public Safety Facilities presentation August 7, 2023

AUBURN PUBLIC SAFETY FACILITIES

AUGUST 7, 2023

TIMELINE: HOW WE GOT HERE

TIMELINE



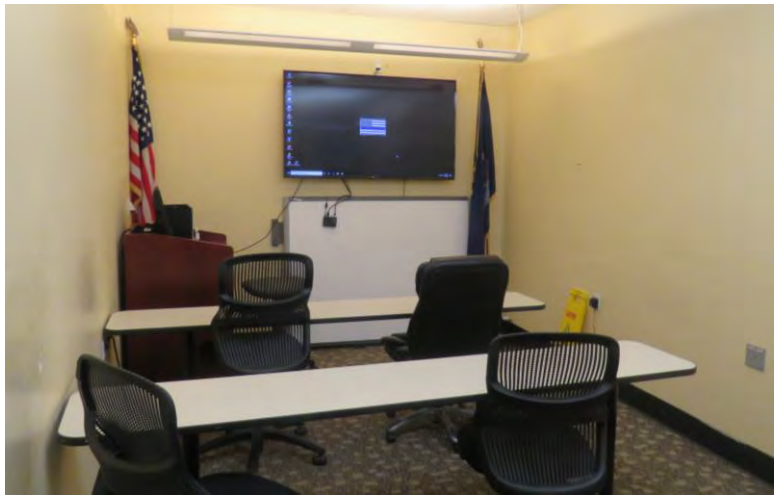
- Auburn Police Department **relocated to Auburn Hall** as a "temporary solution" due to space needs and costly repairs and upgrades required, as a cost saving measure for the city.

"TEMPORARY SOLUTION" CHALLENGES | POLICE DEPARTMENT

OPERATIONAL CHALLENGES

- Short-term solution now going on 12+ years.
- Poor layout for operations and customer service
  - Departments on separate building floors (1st and 3rd), with City Staff in-between (2nd)
  - Separation makes communications and teamwork challenging
- Inadequate space for current essential needs and future growth:
  - Training rooms
  - Locker rooms
  - Shower areas
  - Secured storage

Locker Room



Small Training Area

“TEMPORARY SOLUTION” CHALLENGES | POLICE DEPARTMENT

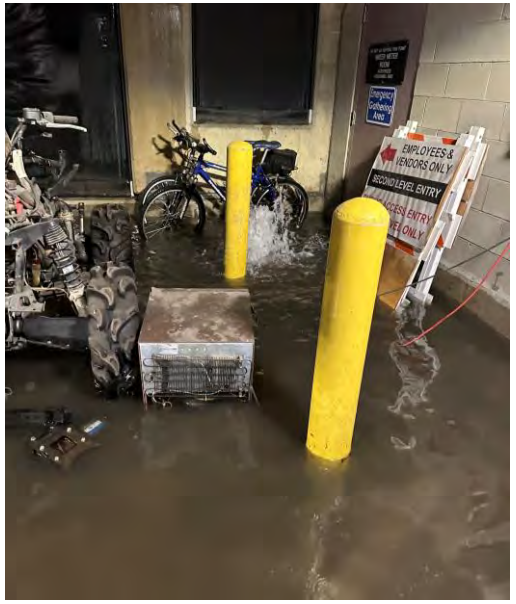
OPERATIONAL CHALLENGES

- No available space or feasible configuration to provide critical detainee processing needs including:
  - Sally Port
  - Booking area
  - Holding area
  - Prisoner processing area

  Lack of on-site needs require staff to transport detainees and prisoners to facilities outside the city; inefficient use of time and resources

- Inadequate Evidence Room & Vehicle Impound location
  - Recent storm event flooded Impound & Evidence Room

Evidence Lockers & Storage



Flooding in front of Evidence Storage Room and Impound

TIMELINE

2011
- Auburn PD relocated to Auburn Hall

2017
- Auburn's Public Safety consulting team completed a **space needs analysis** along with a **site evaluation** for a combined fire and police public safety building. This included site review that determined that the current location of Central Fire at 550 Minot Avenue was the best option for a combined Public Safety Facility.
- **Space needs analysis and site evaluation**

2019
- **CIP funds reallocated to expand facility assessment**
- CIP funding secured to address deficiencies with the police locker room and restroom facilities at City Hall. Bids were significantly higher than anticipated, so **funds were reallocated to expand upon the 2017 study** and complete a comprehensive facilities assessment of all public safety facilities.

2020
- Staff and consultants toured all existing public safety facilities, assessed current conditions, interviewed relevant staff, and checked for new sites that may have become available since the 2017 study. It was again determined that **Central Station remained the best option** for a public safety campus due to its geographic location, size, and existing infrastructure.
- **Comprehensive facilities assessment**

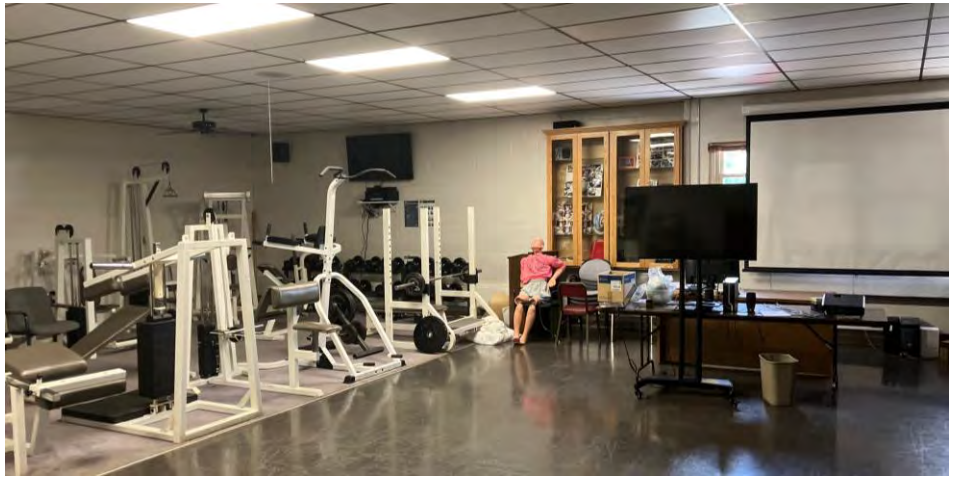
2021
- Ad-hoc Committee established

2022
- Final Committee Report presented to Council

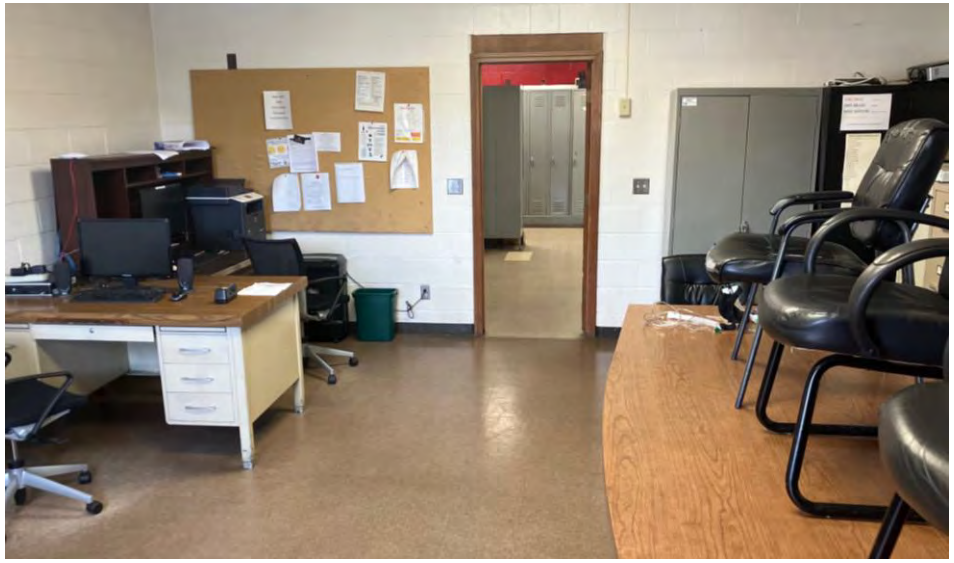
CENTRAL STATION CHALLENGES | FIRE DEPARTMENT

OPERATIONAL CHALLENGES

- Apparatus floor cannot support tower truck
  - Tower truck should be in the district where it best services the community.
- Training room is insufficient for conducting department trainings
  - Currently doubles as fitness space
- Patient Care Reporting should be conducted confidentially
  - Current reporting space shared with the only conference room in the facility



Shared Training and Fitness Space



Shared Confidential Reporting and Conference Space

CENTRAL STATION CHALLENGES | FIRE DEPARTMENT

OPERATIONAL CHALLENGES

- Sleeping and showering areas do not provide reasonable privacy for a diverse workforce

Lack of privacy in showering areas

Lack of privacy in sleeping areas

CENTRAL STATION CHALLENGES | FIRE DEPARTMENT

SAFETY CONCERNS

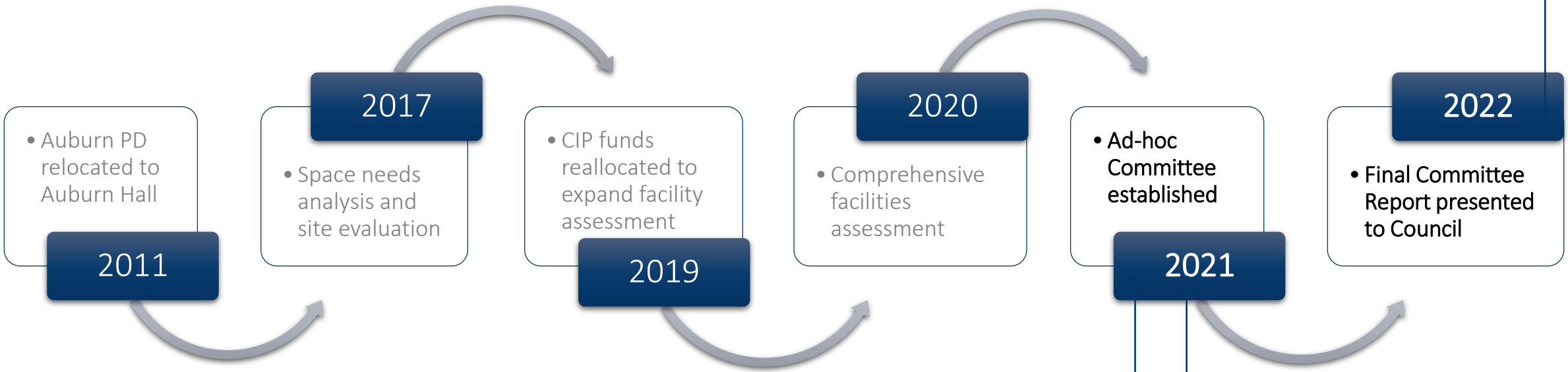
- Two leading causes of firefighter death are **Cancer** and **Cardiovascular Disease**. The current building **does not include adequate**:
  - *Gear Storage* - isolating staff from contaminated gear and isolating gear from diesel exhaust
  - *Separation of Living Spaces* - isolating staff and living spaces from carcinogens and diesel exhaust fumes.
  - *Gear Cleaning Spaces* – for removing carcinogens from gear and equipment
  - *Employee Decontamination Spaces* – which quickly remove carcinogens from firefighter's bodies.
  - *Dedicated Fitness/Workout Space* - encourages fitness and improved cardiovascular health

Gear storage adjacent to diesel exhaust

Inadequate Decontamination Facilities:

- Gear Decon in the basement
- Laundry on the first floor
- Showers on the third floor

TIMELINE



Staff and consultants prepared for committee work including evaluation of sites/locations and material cost discussions.

City also purchased property adjacent to Central Fire.

Committee meetings held and the final report/executive summary was presented to City Council and the community.

AD-HOC PUBLIC SAFETY BUILDING COMMITTEE

On September 7, 2021, the Auburn City Council voted to create the Ad-Hoc Public Safety Building Committee to work with staff and qualified consultants to advise the City Manager and City Council on the preferred design and probable cost estimates for a combined Police and Fire Public Safety Building.

Committee Members

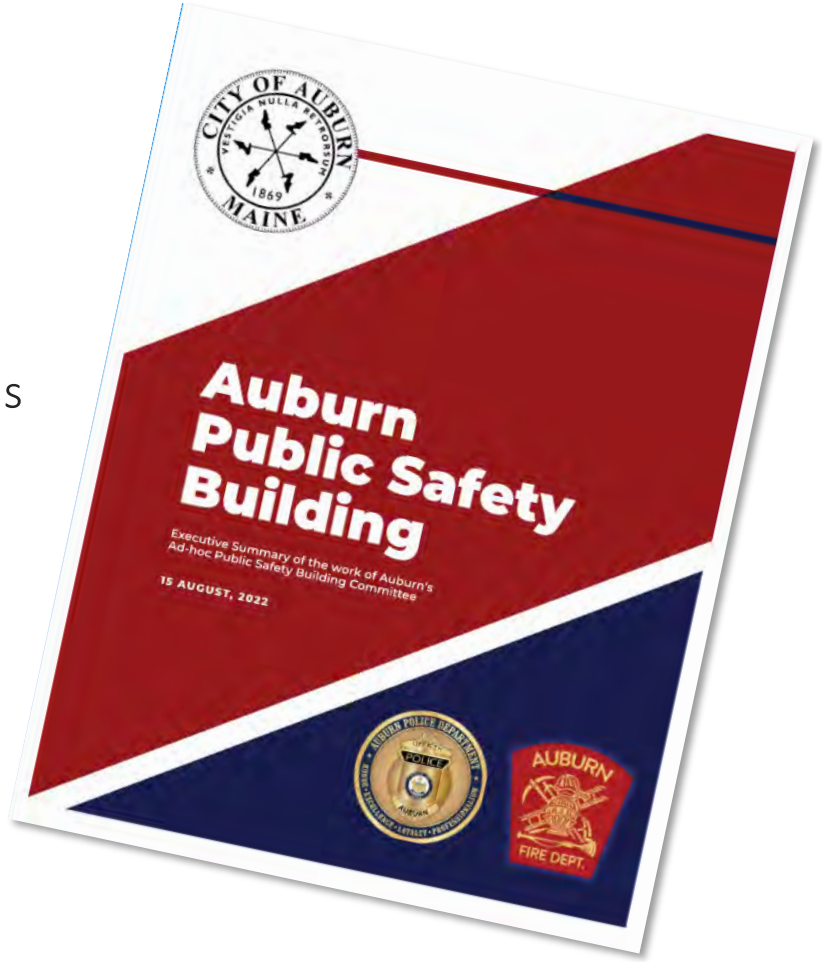
Ward 1 Councilor Richard Whiting
Ward 2 Councilor Ryan Hawes
Trisha Fletcher
David Gonyea
Jim Pittman
Robert Stone
Andrew Titus

Consultants

Barry Sheff, Woodard & Curran
Megan McDevitt, Woodard & Curran
Austin Smith, Simons Architects
Ian Reeves, Simons Architects
Fred Rambo, Architects Design Group
Katy Nero, Architects Design Group
Lori Godbold, Architects Design Group

Staff Participation

Brian Wood, Assistant City Manager
Chief Jason Moen, APD
Chief Robert Chase, AFD
Deputy Chief Timothy Cougle, APD
Deputy Chief Matthew Fifield, AFD
Timothy Hall, Director L-A 911
Liz Allen, Director of Communications
Lt. Anthony Harrington, APD
Lt. Eric Audette, APD
Lt. Julian Beale, AFD
BC Scott Hunter, AFD
FPO David O'Connell, AFD
Derek Boulanger, Facilities Manager
Rita Beaudry, Grants Manager
Drew McKinley, IT Director, L-A 911
Ofc. Joshua King, APD



COMMITTEE RECOMMENDATION : COMBINED PUBLIC SAFETY FACILITY

Auburn Public Safety Building Concept

From 2022 Building Committee

- New right-sized, two-story purpose-built Public Safety Facility

  including:

  - Police Department (including Sally Port, booking area, holding area, detainee processing area, evidence storage and weapons storage)
  - Fire Department (including larger drive-thru apparatus bay)
  - Emergency Operations Center
  - Efficient shared common areas for Public Entry, Lobby, and Reception
  - Shell construction above apparatus bay for future expansion
- New standalone Firing Range Facility
- New standalone Rolling Assets Storage Facility
- Significant site improvements
- Allows for phased construction
- 911 Dispatch Center to be located at different site

Auburn Public Safety Building Concept

From 2022 Building Committee

- Co-locating departments allows for a more efficient facility, sharing a variety of spaces and systems, including:
  - Core function spaces:
    - Public lobby and waiting area
    - Large training room
    - Small conference rooms
    - Fitness center
  - Support spaces and systems
    - Mechanical
    - Electrical
    - Sprinkler
- Estimated square footage savings ≈ 8,000 SF

Shared Fitness Room

Shared Community Room

Shared Training/Conference Room

Shared Public Lobby & Reception

Auburn Public Safety Building Concept

From 2022 Building Committee

- Public Safety Facility Size
  - New Construction 48,200 SF
  - Future Expansion 6,800 SF
  - Firing Range 3,400 SF
  - Rolling Asset Storage 2,800 SF

  TOTAL = 61,200 SF

- Conceptual Project Costs
  - Construction $35.89M
  - Design Services $4.37M
  - FFE and Contingency $4.80M

  TOTAL = $45.06M*

*City awarded $2.5M Congressionally Directed Spending grant to help offset costs (set to expire in 2026)

FIRST FLOOR

SECOND FLOOR

Auburn Public Safety Building Concept

Ramifications of a "DO NOTHING" approach

The "do nothing" approach – or maintaining the status quo - would have considerable ramifications:

- Direct Financial Implications:
  - Will still need to invest millions in capital costs to maintain and renovate existing, aging facilities to meet the current and future operational needs of each departments
  - Continued need to lease additional office space for City Staff due to sharing City Hall with Police
- Non-Direct Financial Implications:
  - Challenges with attracting & retention talent
  - Staff health & safety risks associated with current facilities
  - Difficultly maintaining level of service to match city growth

COMPARABLE FACILITIES

PUBLIC SAFETY FACILITY | Scarborough, Maine

- Town Population – 22,135
- Public Safety Facility Size – 53,000 SF
- Construction Completed - May 2020
- Construction Cost - $21.5M* (Jun 2019)

  $28.1M (2025)

*Not inclusive of additional project soft costs

PUBLIC SAFETY FACILITY | Dedham, Massachusetts

- Town Population – 25,364
- Public Safety Facility Size – 84,000 SF
- Construction Completed - May 2023
- Construction Cost - $55M* (Dec 2020)

  $69M (2025)

*Not inclusive of additional project soft costs

PUBLIC SAFETY FACILITY | Hingham, Massachusetts

- Town Population – 24,284
- Public Safety Facility Size – 48,920 SF
- Construction Start - July 2023
- Construction Cost - $46.7M* (Nov 2022)

  $54.0M (2025)

*Not inclusive of additional project soft costs

FUTURE AUBURN PUBLIC SAFETY FACILITY

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023

Subject: Executive Session

Information: Labor contract, pursuant to 1 M.R.S.A. Section 405(6)(D) with possible action to follow during the Council meeting under New Business.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order**: 99-08072023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Stephen Easley, Cameron Winslow, Dustin Pepin, and Mattingly Simaan as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Stephen Easley, Cameron Winslow, and Mattingly Simaan as a Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Stephen Easley, Cameron Winslow, Brandon Capano, and Mattingly Simaan as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Order

ORDER 99-08072023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Chief Jason Moen's appoints of Stephen Easley, Cameron Winslow, Dustin Pepin, and Mattingly Simaan as Constables with firearm/arrest powers for the Auburn Police Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order**: 100-08072023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Cameron Mason as a Constable without firearm for the Auburn Police Department.

Information: The Auburn Police Department requests the City Council appointment of Cameron Mason as a Constable without firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Cameron Mason as a Constable without firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order**: 100-08072023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Cameron Mason as a Constable without firearm for the Auburn Police Department.

Information: The Auburn Police Department requests the City Council appointment of Cameron Mason as a Constable without firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Cameron Mason as a Constable without firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 100-08072023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Chief Jason Moen's appointment of Cameron Mason as Constable, without firearm, for the Auburn Police Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order**: 101-08072023

Author: Rita Beaudry, Grant Manager

Subject: Maine Municipal Association – Executive Committee

Information: Any elected or appointed municipal official holding office in any Maine Municipal Association (MMA) member community is eligible to serve on the Executive Committee.

MMA Nomination Process: Each year, member municipalities have an opportunity to vote in the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying for and interested in serving as the MMA Vice President and on the MMA Executive Committee. The MMA Nominating Committee completed its task in May and put forth the 2024 Proposed Slate of Nominees to member municipalities.

The official MMA ballot is being presented for City Council vote. The deadline to cast a ballot for MMA's Annual Election for Vice President and Executive Committee Members is Friday, August 18, 2023. The ballot must be signed by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers.

City Budgetary Impacts: None

Staff Recommended Action: City Council vote for MMA Vice President and Executive Committee Members.

Previous Meetings and History: August 2, 2021, July 18, 2022

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

- Official Ballot - MMA Executive Committee – to be signed by each or a majority of City Council members.

MAINE MUNICIPAL ASSOCIATION SINCE 1936

60 Community Drive | Augusta, ME 04330-9486
1-800-452-8786 (in state) | (t) 207-623-8428

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Catherine Conlow, MMA Executive Director

DATE: July 7, 2023

SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 18, 2023, by 12:00 noon

Nomination Process – Each year member municipalities have an opportunity to vote in the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying for and interested in serving as the MMA Vice President and on the MMA Executive Committee. The MMA Nominating Committee completed its task in May and put forth the 2024 Proposed Slate of Nominees to member municipalities.

Petition Process – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was Friday, July 7, by 4:30 pm. There were no municipal officials nominated by petition.

It is now time for each member municipality to cast its official vote.

Election Process – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for *"Write-in Candidates"* since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers **or** a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 18, 2023. We have enclosed a self-addressed self-stamped envelope for your convenience. MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President Elaine Aloes, Chair of the Selectboard, Town of Solon.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org the following Monday. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held on Wednesday, October 4. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon as well as the MMA Annual Business Meeting and will officially take office on January 1, 2024.

If you have any questions on the Election Process, please contact me or Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.

MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT
Election of MMA Vice President and Executive Committee Members
Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 18, 2023

VICE-PRESIDENT - 1 YEAR TERM — **Vote for One**

Proposed by MMA Nominating Committee:

Melissa Doane, Town Manager, Town of Bradley ☐

EXECUTIVE COMMITTEE MEMBERS - 3 YEAR TERM — **Vote for Three**

Proposed by MMA Nominating Committee:

Shiloh LaFreniere, Town Manager, Town of Jay ☐

Nathaniel Rudy, Town Manager, Town of Gray ☐

Dina Walker, Selectperson, Town of Weld ☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.

The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____ Signature: _____
Position: _____

OR Signed by a Majority of Municipal Officers **Current # of Municipal Officers:** _____

Print Names:	Signatures:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Return To:
MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
Email: *tchavarie@memun.org*

MAINE MUNICIPAL ASSOCIATION
BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2024 EXECUTIVE COMMITTEE

MMA VICE PRESIDENT
(1-Year Term)

MELISSA DOANE (TOWN MANAGER, TOWN OF BRADLEY)

Professional & Municipal Experience:

- Town Manager, Clerk, Treasurer, Tax Collector, General Assistance Administrator, Registrar of Voters and Road Commissions, Town of Bradley, Maine (2005 – present)
- Membership Coordinator, GrowSmart of Maine (2016 – 2020)
- Secretary/Administrative Assistant, Roy Associates, CPAs (2004 – 2005)
- Administrative Assistant/Town Agent, Town of Bradley, Maine (1998 – 2004)
- Coor, Clinical Operations/Secretary/Patient Accounts/Registrations, Neurology Associates, (1994 – 1998)
- Secretary/Receptionist, Dr. James Iannetta Medical Office (1991 – 1994)

Other Experience, Committees and Affiliations:

- Member, MMA Executive Committee (2019 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2019 – present)
- Member, MMA Workers Compensation Fund Board of Trustees, (2019 – present)
- Member, MMA Strategic & Finance Committee (2019 – present)
- Member, Executive Board, Municipal Review Committee (2021 – present)
- Member, Executive Board, Maine Town, City & County Management Association (2016 – present)
- Co-Chair Membership Committee, Maine Town, City & County Management Association (2016 – 2020)
- Chair, Sponsorship Committee, Maine Town, City & County Management Association (2020)
- Member, Maine Town, City & County Management Association (2005 – present)
- Member, Maine Town & City Clerks Association
- Member, Maine Municipal Tax Collectors & Treasurer Association
- Member, Maine Welfare Directors Association
- President, Executive Board, Living History Museum, Maine Forest and Logging Museum

Education:

- Business Management Studies, Husson College
- Associate degree, Business Management, Beal College
- Associate degree, Office Management, Beal College
- Associate College Preparation, Foxcroft Academy

Awards and Certifications:

- Certified Municipal Manager, Maine Town, City & County Management Association
- Rookie of the Year Award, Maine Town, City & County Management Association (2009)
- State of Maine Notary
- State of Maine Dedimus Justice

MMA EXECUTIVE COMMITTEE MEMBERS
(3-Year Terms)

SHILOH LaFRENIERE (TOWN MANAGER, TOWN OF JAY)

Professional & Municipal Experience:
- Town Manager, Town of Jay (2014 - present)
- Treasurer, North Jay and Jay Village Water District (2005 - 2022)
- Code Enforcement Officer, Town of Jay (1997 - 2014)
- Environmental Cod Administrator, Town of Jay (1997 - 2010)
- Wellness Coordinator, Town of Jay (2005 - 2014)
- E911 Addressing Officer, Town of Jay (2010 - 2014)
- Deputy Finance Director, Town of Jay (2012 - 2014)

Other Experience, Committees and Affiliations:
- Institute for Civic Leadership, Maine Development Foundation (2022)
- Member, Maine Town, City & County Management Association (2014 - present)
- Maine Town, City and County Management Association, Ethics Committee (2020 - present) and Membership Services Committee (2021 - present)
- Androscoggin Valley Council of Governments, Vice President (2022 - present); Executive Committee (2019 - present)
- Past Member of the State of Maine Technical Building Codes and Standards Boards (2008 - 2014)
- NorthStar Ambulance Advisory Board (2014 - present)
- Member, Jay-Livermore-Livermore Falls Chamber of Commerce (2014 - present)

Education:
- BS in Business Management, Liberty university, Lynchburg, VA (December 1996)

Awards and Certifications:
- Rising Star Award, Maine Town, City & County Management Association (2017)
- State of Maine Notary

NATHANIEL RUDY (TOWN MANAGER, TOWN OF GRAY)

Professional & Municipal Experience:
- Town Manager, Town of Gray (2021 - present)
- City Manager, City of Hallowell (2016 - 2021)
- Executive Director, Waterville Creates (2014 - 2016)
- Director of Planning and Development, City of Gardiner (2011 - 2014)
- Business Development Specialist (2010 - 2011)

Other Experience, Committees and Affiliations:
- Member, Maine Municipal Association Legislative Policy Committee (2018 - 2021; 2022 - present)
- Member, Governor's Commission on Volunteerism aka Volunteer Maine (2020 - 2023)
- Board of Directors, Maine Council on Aging (2019 - 2023)
- Program Advisory Committee, University of Maine School of Architecture (2016 - present)
- Board of Directors, EcoMaine (2021 - 2022)
- Board of Directors and Treasurer, Kennebec Valley Humane Society (2019 - 2021)
- Board of Directors, Delta Ambulance (2017 - 2021); Vice President (2020 - 2021); Finance Committee (2019 - 2021)
- General Assembly, Kennebec Valley Council of Governments (2016 - 2017 and 2020 - 2021); Secretary of Executive Committee (2016 - 2017)
- Board of Directors, Independent Retailers Shared Services Collaborative (2012 - 2021); Treasurer (2012 - 2021)
- Board of Directors, Maine Craft Association (2012 - 2018; Vice President, 2014 - 2018)

NATHANIEL RUDY (TOWN MANAGER, TOWN OF GRAY) *(continued)*

- Executive Director and Board Secretary, Gardiner Board of Trade (2011 - 2014)
- International City / County Managers Association
- Maine Town / City / County Managers Association
- Maine Association of Realtors (2013 to 2020)

Education:

- Master of Business Administration, 4.0 GPA, Thomas College, Waterville, Maine
- B.S., Environmental Science and Engineering, Cum Laude, 3.5 GPA
- Virginia Polytechnic Institute and State University (Virginia Tech), Blacksburg, Virginia
- Harvard Kennedy School Executive Education Program, Negotiation Strategies (2023)
- Harvard Kennedy School Executive Education Program, State and Local Government (2019)
- New England Economic Development Course, Thomas College (2010)
- Graduate studies in Civil and Environmental Engineering, Virginia Tech

Awards and Certifications:

- Certified Manager, International City / County Managers Association (2023)
- Certified Manager, Maine Town / City / County Manager Association (2019 - 2025)
- Community Development Block Grant Administrator (2018)
- Build Maine Conference Team, Lewiston, Maine (2017 - 2021)
- CityWorks(X)po Conference Fellow, Roanoke, Virginia (2017)
- Maine Licensed Real Estate Broker (2013 - 2020)
- Lead on several Grant Awards *(e.g., US Environmental Protection Agency Brownfields Assessment grant; Maine Bureau of Parks and Lands Submerged Lands Program, Harbor Management and Access Grant Program*; Maine Centers for Disease Control and Prevention, Keep ME Healthy grant; *Hallowell Fire Station construction grant, private and donation; American Association of Retired People Age-Friendly Community Assessment grant; Harold Alfond Foundation grant; Orton Family Foundation Heart & Soul Community Planning grant; National Park Service Preserve America grant, etc.)*

DINA WALKER (SELECTPERSON, TOWN OF WELD)

Professional & Municipal Experience:

- Selectperson, Assessor and Overseer of the Poor, Town of Weld (2021 – current)
- Election Day Volunteer, Town of Weld (2019 – current)
- Partner, Jones Day (Law Firm), Beijing, China (2016 – 2018)
- International Partner, King & Wood Mallesons (Law Firm), Beijing, China (2012 – 2016)
- Managing Associate, Linklaters LLP (Law Firm), Beijing, China (2011 – 2012)
- Senior Associate, Dewy & LeBoeuf LLP (Law Firm), Beijing, China and Houston, Texas (2009 – 2011)
- Associate, Baker & Daniels, LLP (Law Firm), Indianapolis, Indiana (2005 – 2009)
- Judicial Law Clerk, the Honorable Richard K. Eaton, US Court of International Trade (2004 – 2005)

Other Experience, Committees and Affiliations:

- *Rutgers Law Review*, Editor-in-Chief (2003 – 2004)
- Founder and Organizer, Women's International Forum on Energy (2013 -2016)

Education:

- Rutgers University School of Law, Newark, New Jersey, J.D. (2004)
- University of Pennsylvania, Philadelphia, Pennsylvania, B.A., International Relations (2000)

Awards and Certifications:

- *The Legal 500 (2016)*: "Highly Recommended" Lawyer In the Areas of Projects and Energy (China)
- State of New York, Bar Admission (retired)
- State of Indiana, Bar Admission (inactive)

ORDER 101-08072023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby casts the voting ballot for the 2024 Maine Municipal Association's Vice President and Executive Committee Members as nominated by the MMA Nominating Committee as follows:

Vice President, 1-year term:

Melissa Doane, Bradley Town Manager

Executive Committee Members, 3-year terms:

Shiloh LaFreniere, Jay Town Manager

Nathaniel Rudy, Gray Town Manager

Dina Walker, Weld Selectperson

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order:** 102-08072023

Author: Sue Clements-Dallaire, City Clerk

Subject: Confirming Mayor Levesque's appointment of a full member of the Ethics Panel

---

Information: Auburn's Ordinance states that two regular voting members and one alternate member are appointed by the Mayor and confirmed by the City Council and one regular voting member and one alternate is appointed by the School Committee Chair and confirmed by the School Committee.

The Mayor appointed full member seat is vacant. Mayor Levesque would like to appoint Andy Titus to fill this seat, which requires confirmation by a vote of the City Council. This is to fill the remainder of a three year term, term expiration date 11/1/2025.

City Budgetary Impacts: N/A

Staff Recommended Action: Consider passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Order

ORDER 102-0872023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms the Mayor's appointment of Andy Titus as a full member of the Ethics Panel with a term expiration of November 1, 2025.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order:** 103-08072023

Author: Rita Beaudry, Grant Manager

Subject: 2023 Byrne Jag Grant – Auburn Police Department

Information:
The Auburn Police Department has been awarded a 2023 Edward Byrne Justice Assistance Grant in the amount of $19,142. The formula grant application will provide for the purchase of two portable "Tactiscan" narcotic sensors that will replace the narcotic presumptive test kits currently in use. Remaining funds will be used for the purchase of new officer badges.

The grant requires Certifications and Assurances by the Chief Executive of the Applicant Government.

City Budgetary Impacts: None

Staff Recommended Action: Execute an order that provides for Mayor Jason J. Levesque to sign and submit the Certifications and Assurances by the Chief Executive of the Applicant Government for this grant solicitation.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Edward Byrne Memorial Justice Assistance Grant Program FY 2023 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2023 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.

2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.

4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.

5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.

6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

	August 7, 2023
Signature of Chief Executive of the Applicant Unit of Local Government	Date of Certification
Jason J. Levesque	**Mayor**
Printed Name of Chief Executive	Title of Chief Executive

City of Auburn
Name of Applicant Unit of Local Government

ORDER 103-08072023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes Mayor Jason J. Levesque., on behalf of the City of Auburn, to execute the Edward Byrne Justice Assistance Grant Program FY 2023 Local Solicitation – Certifications and Assurances by the Chief Executive of the Applicant Government document to be submitted with the grant application.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING JUNE 20, 2023, VOL. 37 PAGE 53

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 85-06202023*
Re-appointing Jane Costlow to the Sustainability and Natural Resource Management Board with a term expiration of April 1, 2026.

2. Order 86-06202023*
Confirming Chief Moen's appointment of George Monteith and Dustin Pepin as Constable with firearm and arrest powers for the Auburn Police Department.

3. Order 87-06202023*
Cancelling the Regular City Council meeting scheduled for Monday, July 3, 2023.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the three consent items.

Passage 7-0.

II. Minutes – June 5, 2023, Regular Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the June 5, 2023 Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

Manager Crowell provided the Council with an update on the Opioid Crisis.

Mayor Levesque read a proclamation declaring June 20, 2023 World Refugee Day. He also reported that the Councilors received a letter and book from Diana Carson (Auburn Middle School). The Mayor asked that the letter be entered into the minutes. The book is called We Are America Auburn which is a culmination of short stories written by Auburn Middle School students. The letter from Diana Carson reads:

The National We Are America Project

"We have special news to share with you. In this envelope, you will find a gift copy of a book written by students from Auburn Middle School. This spring they were part of the national We are American Project.

In 2018, Lowell High School teacher Jessica Lander asked students in her Seminar on American Diversity class to grapple with what it meant to be American. Studying history turned into a study of their own personal stories about growing up in America.

That year; Lander's students wrote and published two books – We Are America, and a sequel, We Are America Too. Believing the work needed to grow, alumni of the class and Lander launched the national We Are America Project.

Over the past four years, the national We Are America team has worked with more than 50 teachers in over 25 U.S. states, directly affecting more than 1,500 students—helping the next generation share their personal stories of growing up in America. These stories are published in books in their community and on the project's website library.

We are pleased to announce that the first students to publish their stories in a We Are America book from the state of Maine are from Auburn Middle School. Seventeen students have courageously shared their stories about growing up, continuing family traditions, exploring their identities and dealing with loss.

These published authors were honored on Monday, June 12th at the AMS Awards Cermony: Abdi Adow, Ilhan Ali, Dominic Davis, Zane Deletetsky, Charlie Dresdner, Habso Issack, Anita Legere, Dariel Matos, Abraham Maqubela, Evie McGuigan, Travis McKeen, Casey Mileikis, Olivia Sawyer, Lily Smith, Abby Snyder, Destiny Wing and Bella Williams.

The stories these students shared in the national We Are America Project have the power to help build empathy among people of different backgrounds, ethnicities and faiths and ensure all young people feel they belong here.

We hope you enjoy reading their stories and thank you for supporting quality public education in the city of Auburn."

Diana Iwaszkiewicz Carson

Mayor Levesque invited Fatuma Hussein, who was in the audience, to say a few words.

Council Communications:

Councilor Whiting congratulated the Auburn Adult Ed graduates.

Councilor Milks congratulated the ELHS baseball team for a good season.

Councilor Walker urged people to be careful driving through New Auburn due to the work that is being done out there.

Mayor Levesque announced the 248th birthday of the US Army. He reported that Lucador Tacos opened on Center Street adding that there will be a ribbon cutting coming sometime in July.

City Manager Crowell reported that an information flyer will be going out soon to the public adding that the back of the flyer provides information on movies in the park. He noted that the sheds that were in Festival Plaza have been moved to Anniversary Park, adding that a promotional information will be coming soon. He also announced that the Auburn Community Band will be starting up in Festival Plaza.

IV. Open Session – No one from the public spoke.

V. Unfinished Business

1. Ordinance 05-06052023
Amending Appendix A – Fees and Charges (Streets, Sidewalks, and other Public Places). Public hearing and second reading.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public hearing – No one from the public spoke.

Passage 7-0. A roll call vote taken.

VI. New Business

1. Order 88-06202023
Authorizing the use of $102,000 in ARPA (American Rescue Plan Act) funds for the Third Space Incentive Program.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0.

2. Order 89-06202023
Approving the Mass Gathering for the Liberty Festival. Public hearing and vote.

Motion was made by Councilor Walker and seconded by Councilor Gerry for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

3. Public hearing – Agren Warehouse Tax Increment Financing (TIF) District #28.

Mayor Levesque opened the public hearing at 7:15 pm.

No one from the public spoke.

Mayor Levesque closed the public hearing at 7:15 pm.

4. Order 90-06202023

Approving the Agren Warehouse TIF (Tax Increment Financing) #28 Agreement.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage.

Passage 7-0.

5. **Ordinance 06-06202023**
Amending the Auburn Code of Ordinances, DIV. 12, General Business, Sec 60-500 (2). First reading.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0. A roll call vote was taken.

6. **Ordinance 07-06202023**
Amending the Auburn Code of Ordinances, DIV. 13, General Business II, Sec 60-526 (2). First reading.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 7-0. A roll call vote was taken.

7. **Ordinance 08-06202023**
Amending the Auburn Code of Ordinances, DIV 15, Industrial Zoning District, Sec 60-579 (2). First reading.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 5-2 (Councilors Walker and Gerry opposed). A roll call vote was taken.

8. **Ordinance 09-06202023**
Amending the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban. First reading.

Motion was made by Councilor Hawes and seconded by Councilor Milks for passage.

Public comment – Pam Rousseau, 745 West Auburn Road, spoke in opposition of this proposed amendment.

Failed 0-7. A roll call vote was taken.

9. **Ordinance 10-06202023**
Amending the Code of Ordinances, Definitions and Agriculture and Resource Protection District text of Chapter 60, Zoning as shown in Proposal B (attached). First reading.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment – Mara King, 59 Davis Avenue, asked if there was an attachment.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

10. Order 91-06202023
Directing the Planning Board to hold a public hearing and recommend additional changes to Proposal B, Article IV District Regulations, Division 2 Agriculture and Resource Protection District as recommended by the Planning Board.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – Chris King, 59 Davis Avenue, he would like to get the Planning Board amendments.

Passage 5-2 (Councilors Hawes and Milks opposed).

11. Order 92-06202023
Authorizing the City Manager and/or his designee to execute the final purchase and sale agreement for tax map 211, lot 288 for Fire Engine 2 replacement.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public comment – No one from the public spoke.

Passage 7-0.

VII. Open Session – David Griswold, Gamage Avenue wanted to remind everyone that the Auburn Community Band starts its 42nd season next Wednesday night in Festival Plaza.

VIII. Reports

Mayor Levesque stated that the school year has ended, they had a great graduation, and the new high school is actively being moved into now. He also reminded the public that there is a School Committee meeting tomorrow night.

Manager Crowell reported that Legislators are wrapping up soon, they are working with MMA on any legislation that could affect the city. He added that they are hoping the audit will be ready by mid-July.

Kelsey Earle presented the May 2023 Finance Report.

Motion was made by Councilor Walker and seconded by Councilor Milks to accept and place on file the final May 2023 Finance Report.

Passage 7-0.

IX. Executive Session – None.

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Morin to adjourn. Unanimously approved and the meeting adjourned at 7:43 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

IN COUNCIL SPECIAL MEETING JULY 10, 2023, VOL. 37 PAGE 60

Mayor Levesque called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Whiting had an excused absence. All other Councilors were present.

5:30 P.M. City Council Meeting

Pledge of Allegiance

I. Executive sessions

Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Milks and seconded by Councilor Walker to enter into executive session.

Passage 6-0. Time 5:30 pm.

Council was declared out of executive session at 6:00 pm.

Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

Motion was made by Councilor Walker and seconded by Councilor Milks to enter into executive session.

Passage 6-0. Time 6:01 pm.

Council was declared out of executive session at 6:23 pm.

II. Unfinished Business

1. Ordinance 06-06202023
Amending the Auburn Code of Ordinances, DIV. 12, General Business, Sec 60-500 (2).
Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public hearing – No one from the public spoke.

Passage 5-1 (Councilor Gerry opposed). A roll call vote was taken.

2. Ordinance 07-06202023
Amending the Auburn Code of Ordinances, DIV. 13, General Business II, Sec 60-526 (2).
Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public hearing – No one from the public spoke.

Passage 5-1 (Councilor Gerry opposed). A roll call vote was taken.

3. **Ordinance 08-06202023**
Amending the Auburn Code of Ordinances, DIV 15, Industrial Zoning District, Sec 60-579 (2). Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public hearing – No one from the public spoke.

Passage 5-1 (Councilor Gerry opposed). A roll call vote was taken.

4. **Ordinance 09-06202023**
Amending the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban. Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public hearing -

Mike Adler, 82 Loring Avenue said he does not believe this should go through adding that the lot is not set up for multi-family zoning with only two multi-family units on Loring Avenue. He said he is asking the city not to pass this.

Dina Chapman, 40 Vivian Street, stated this is not a multi-family neighborhood and spoke in opposition of this proposed change and urged the Council to listen to the people and consider the tax payers and residents that live in the neighborhood.

Lisa St. Hilaire Crites, 108 Loring Avenue stated that she does not think it is the right place to do this and appealed to council to vote it down.

Chris Henry, 97 Loring Avenue, echoed the comments of his neighbors and spoke in opposition of the proposed ordinance amendment.

Failed 0-6, unanimously opposed. A roll call vote was taken.

5. **Ordinance 10-06202023**
Amending the Code of Ordinances, Definitions and Agriculture and Resource Protection District text of Chapter 60, Zoning as shown in Proposal B (attached). Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public hearing - Chris Carson, Jacques Road, said he was representing a group of folks that have come together in the Agricultural Zone and have been talking about this issue for a while now. The group is named the Save Auburn Agricultural and Resource

Protection Group and they would like to endorse proposal B and would encourage the Council to pass this proposed amendment stating that it is also in line with the comprehensive plan. He thanked the city staff for their hard work on this.

Passage 6-0. A roll call vote was taken.

III. New Business

1. Order 93-07102023
Authorizing the City Manager to execute the collective bargaining agreement with MSEA SEIU 1989.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 6-0.

2. Order 94-07102023
Authorizing the City Manager to execute the sale of City owned property (103 Newbury Street).

Motion was made by Councilor Walker and seconded by Councilor Morin for passage.

Public comment – John Cleveland, 183 Davis Avenue, supports the idea of selling properties and wanted to share his experience when serving on the Council in the past stating that with similar proposals, the properties did not get developed as they were supposed to due to various circumstances and he would like to see reasonable conditions put on the sale of these properties so they achieve what they say they are going to achieve.

Motion was made by Councilor Staples and seconded by Councilor Hawes to amend the order to reflect the correct first name and changing it from Olan to Oleg.

Passage 6-0.

Passage as amended 6-0.

3. Order 95-07102023
Authorizing the City Manager to execute the sale of City owned property (115 Newbury Street).

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment - No one from the public spoke.

Motion was made by Councilor Staples and seconded by Councilor Gerry to amend the order to reflect the correct first name and changing it from Olan to Oleg.

Passage 6-0.

Passage as amended 6-0.

4. **Order 96-07102023**
Authorizing the City Manager to execute the sale of City owned property (351 Main Street).

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment - No one from the public spoke.

Motion was made by Councilor Staples and seconded by Councilor Gerry to amend the order to reflect the correct first name and changing it from Olan to Oleg.

Passage 6-0.

Passage as amended 6-0.

5. **Order 97-07102023**
Authorizing the City Manager to market and execute the sale of City owned property (369 Main Street) through Bill Bergeron with Fontaine Family Realty.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 6-0.

Motion was made by Councilor Walker and seconded by Councilor Milks to suspend the rules to add an item to the agenda.

Passage 5-1 (Councilor Staples opposed).

Motion was made by Councilor Walker and seconded by Councilor Morin to cancel the Regular Council meeting that is scheduled for July 17, 2023. This becomes Order 98-07102023.

Public comment - No one from the public spoke.

Passage 5-1 (Councilor Gerry opposed).

X. **Adjournment**

Motion was made by Councilor Walker seconded by Councilor Morin to adjourn.

Unanimously approved and the meeting adjourned at 6:55 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 08/07/2023

Author: Jennifer Edwards, Public Health Manager, Department of Business & Community Development

Subject: Project Support You - Auburn

Information: City of Auburn staff and Tri County Mental Health Services staff will provide an update on Auburn's Project Support You program.

City Budgetary Impacts: None

Staff Recommended Action: N/A

Previous Meetings and History: Originally presented at a City Council workshop on 3/21/2022. Order 83-06062022 was passed at the August 1, 2022 council meeting, approving the use of $300,000 of ARPA Funding to create the Project Support You – Auburn two-year pilot program. The program was launched mid February 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: See attached information.

Project Support You

A life-saving project, staffed by Auburn PD, Auburn Fire & EMS and Tri-County Mental Health Services

auburnmaine.gov

Program Description

PSY is a “boots on the ground” service that employs a TCMHS employee to be shared between AFD and APD to respond ***with*** our first responder teams in real time in the community.

The PSY worker additionally follows up on needs identified by AFD and APD to connect individuals utilizing emergency services to needed community support providers.

Auburn’s PSY program began in February 2023, utilizing ARPA funding generously approved by the Auburn City Council to benefit individuals in need in our community.

Treatment works, but it takes resources.

"It is vital to remember, always, that treatment works and recovery is possible. Just as we would not give up hope or fail to help someone with diabetes, cancer or heart disease, the same is true for those who live with mental illness or a substance use disorder. We can and must bring all resources available to bear, and create them when they are not, to help those in need. Every life is worth saving."

Catherine R. Ryder, LCPC, ACS
Chief Executive Officer, Tri-County Mental Health Services

Quote taken from Catherine Ryder's support letter for PSY-Auburn.

auburnmaine.gov

Auburn Police Department

Project Support You (PSY)

Prior to Program Start: Impact on Calls For Service (CFS)

2022

782 Wellbeing Checks 384 PCF* Medical / Mental 100 Psychiatric Problem

2023 (March, April, May, June & July)

396 Wellbeing Checks 185 PCF Medical / Mental 26 Psychiatric Problem

*PCF = Person Cared For

auburnmaine.gov

Auburn Police Department

Project Support You (PSY)

Program to Date:

104 Co-Response with PD to wellbeing checks, PCF Medical / Mental & Psychiatric Problem 17% of total call types. (Mar – July 31 2023)

Outcomes:

290 New clients since program inception through July 31, 2023

564 Total contacts since program inception through July 31, 2023

274 Had at least one prior contact with PSY

48.6% Percentage of Prior Contacts

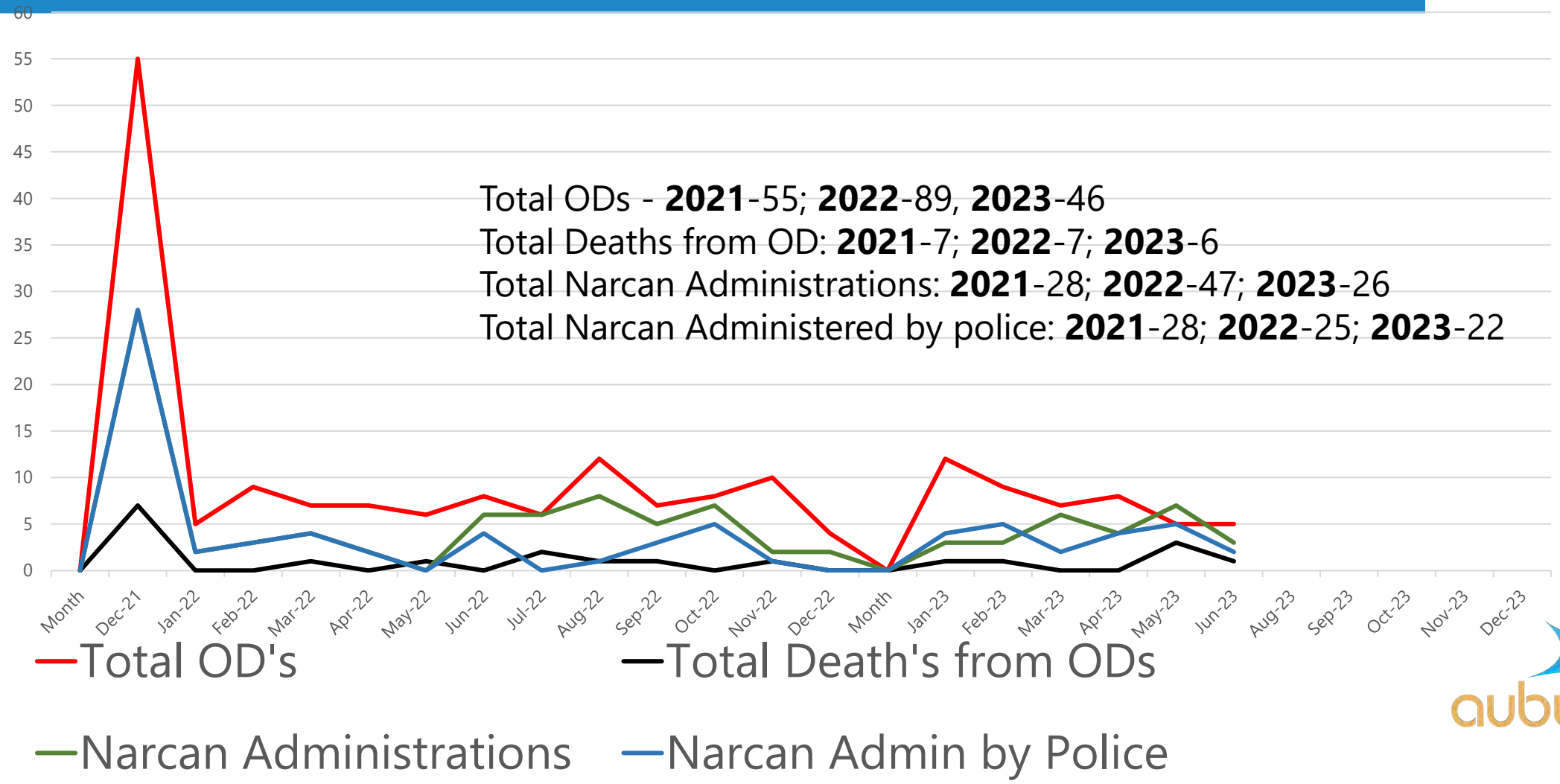
auburnmaine.gov

Homelessness Crisis

- Auburn's PSY worker has made **246** contacts with unhoused or unstably housed individuals since the program began. About **30%** of that number are repeat contacts.

- Auburn School Department's McKinney–Vento Liaison reported **229** students identified between July 1, 2022 and June 30, 2023. Of these 229, **47** students (20.5%) were unaccompanied youth experiencing homelessness.

APD OPTIONS/PSY Overdose Report: 2021 – End of June 2023



Total ODs - **2021**-55; **2022**-89, **2023**-46
Total Deaths from OD: **2021**-7; **2022**-7; **2023**-6
Total Narcan Administrations: **2021**-28; **2022**-47; **2023**-26
Total Narcan Administered by police: **2021**-28; **2022**-25; **2023**-22

auburnmaine.gov

Substance Use Disorder Prevalence in Androscoggin County

Age Group	**SUD**	SUD Per 1k	**Illicit Drug Use Disorder**	Illicit Drug Use Disorder Per 1k	**Alcohol Use Disorder**	Alcohol Use Disorder Per 1k
All	15,488	47.7	6,871	21.2	10,229	31.6
12 to 17	590	1.8	458	1.4	244	0.75
18 to 25	3,375	10.4	1,898	5.9	1,939	6
26+	11,483	35.46	4,515	13.9	8,047	24.85

*Prevalence data from National Survey on Drug Use and Health. SAMHSA. Provided by Daniel Soucier Ph.D., Research Associate at the Margaret Chase Smith Policy Center on 7/27/23.
Note: Data is from 2019, as the 2022 data does not include substate regions for Maine yet.

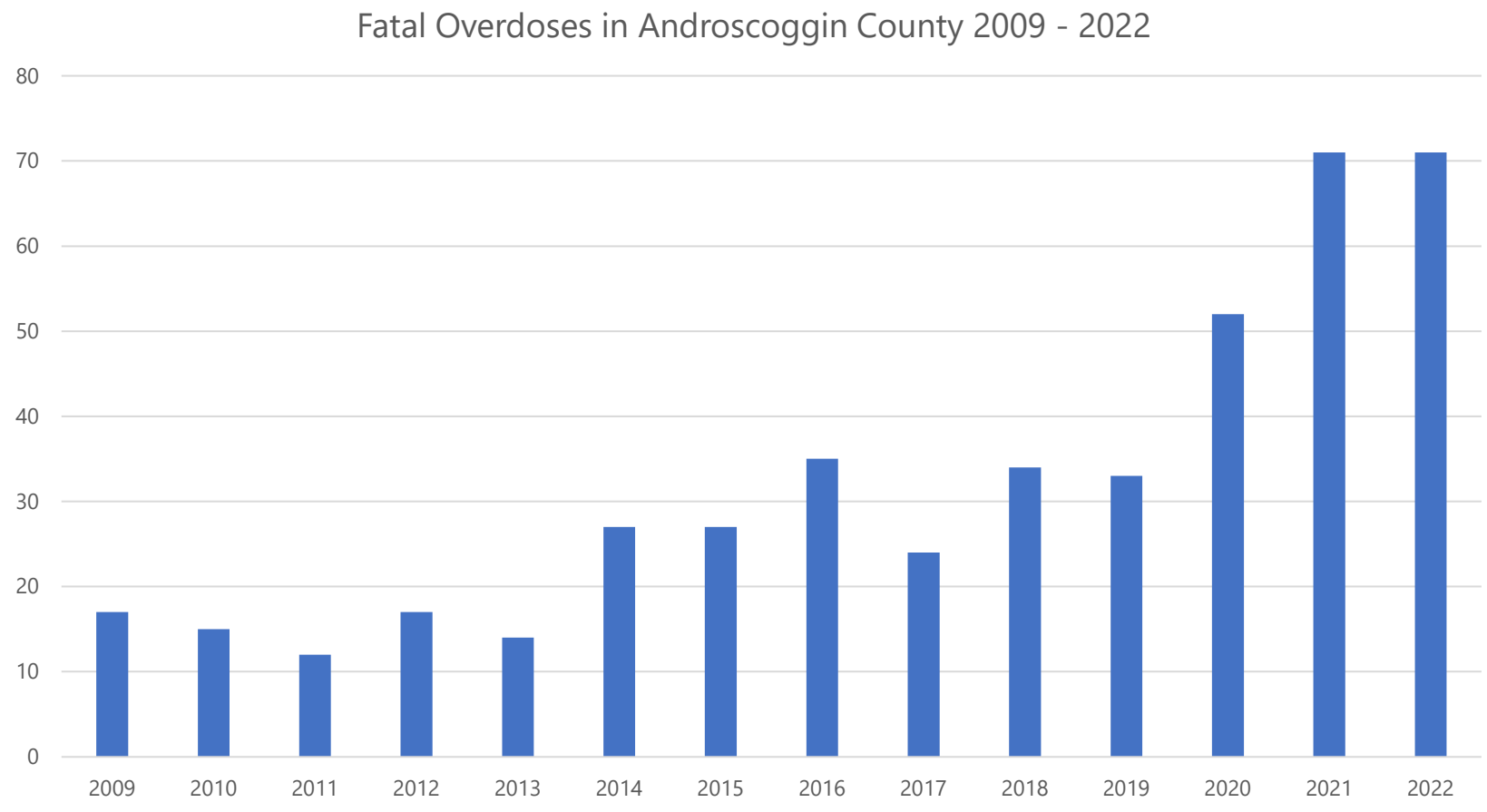
Substance Exposed and Affected Infants in Androscoggin County

	Number	Percent
2012	97	7.39%
2013	121	9.73%
2014	104	8.37%
2015	128	10.11%
2016	134	10.76%
2017	118	9.53%
2018	144	11.66%
2019	128	11.03%
2020	167	14.38%
2021	169	15.10%
2022	154	13.10%

*Data from Kids Count: Annie E. Casey Foundation was provided by Daniel Soucier Ph.D., Research Associate at the Margaret Chase Smith Policy Center. Note: Not all Maine hospitals diagnose SEI the same way. Some hospitals include marijuana exposure. Some people seek care in counties where they do not reside when pregnant and giving birth.

Fatal Overdoses in Androscoggin County

2009	17
2010	15
2011	12
2012	17
2013	14
2014	27
2015	27
2016	35
2017	24
2018	34
2019	33
2020	52
2021	71*
2022	71*



*2021 and 2022 data is **suspected** and confirmed overdoses.

This data will not be confirmed through toxicology until all cases are closed and reports are released from the Maine Office of Attorney General

Data from Maine Drug Data Hub: www.mainedrugdata.org was provided by Daniel Soucier Ph.D., Research Associate at the Margaret Chase Smith Policy Center.

auburnmaine.gov

Fatal Overdoses in Androscoggin County

2009 - 2022 by age group	
0-20	3.56%
21-30	15.81%
31-40	27.84%
41-50	26.28%
51-60	20.27%
60+	7.80%

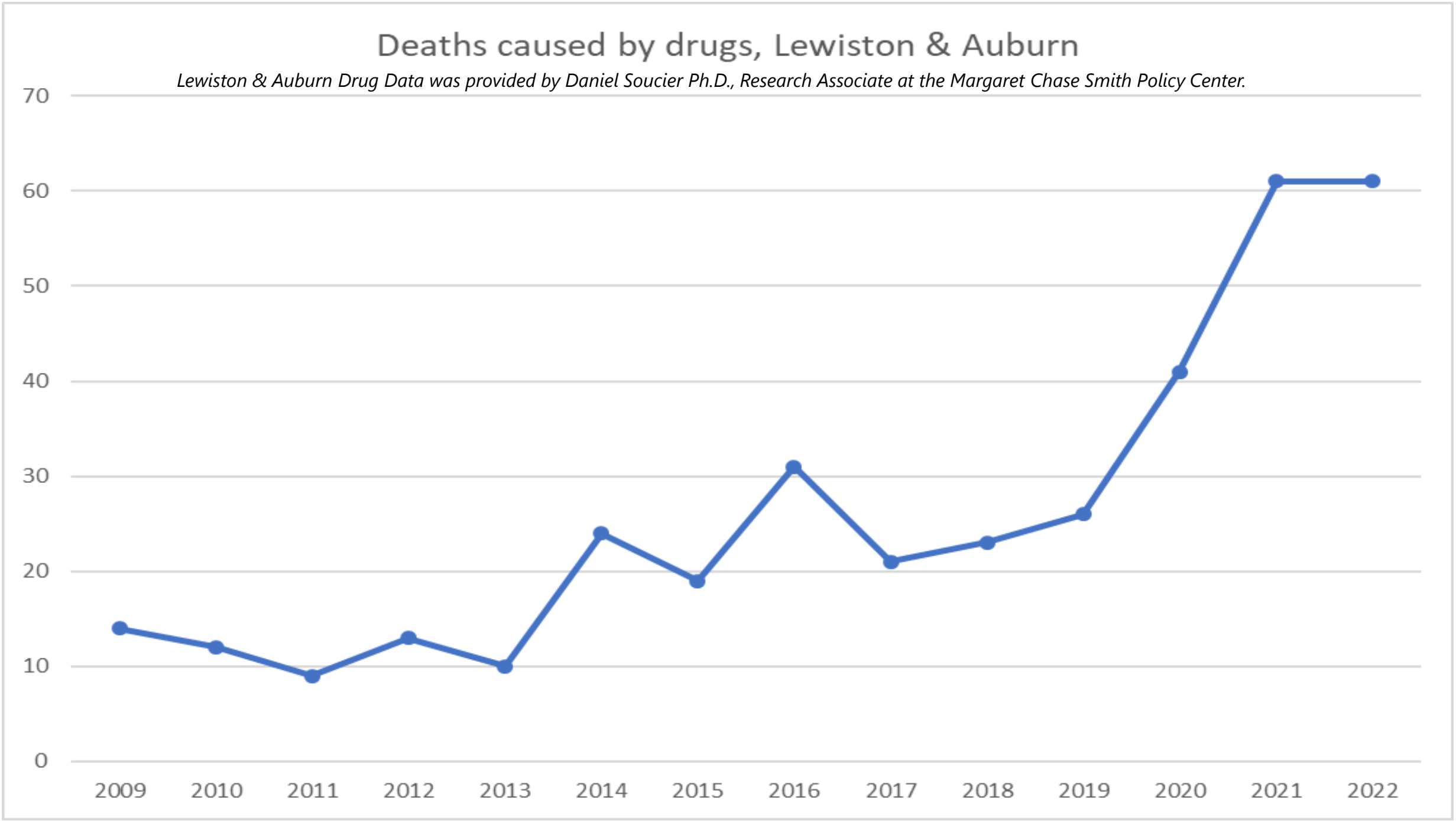
2022	
Percent of Statewide population	8.00%
% of total fatal overdoses	10.00%
Total incidents per 1,000 people	6.6
2009 - 2022 by biological sex	
Male	65.48%
Female	34.52%

*2021 and 2022 data is **suspected** and confirmed overdoses.

This data will not be confirmed through toxicology until all cases are closed and reports are released from the Maine Office of Attorney General

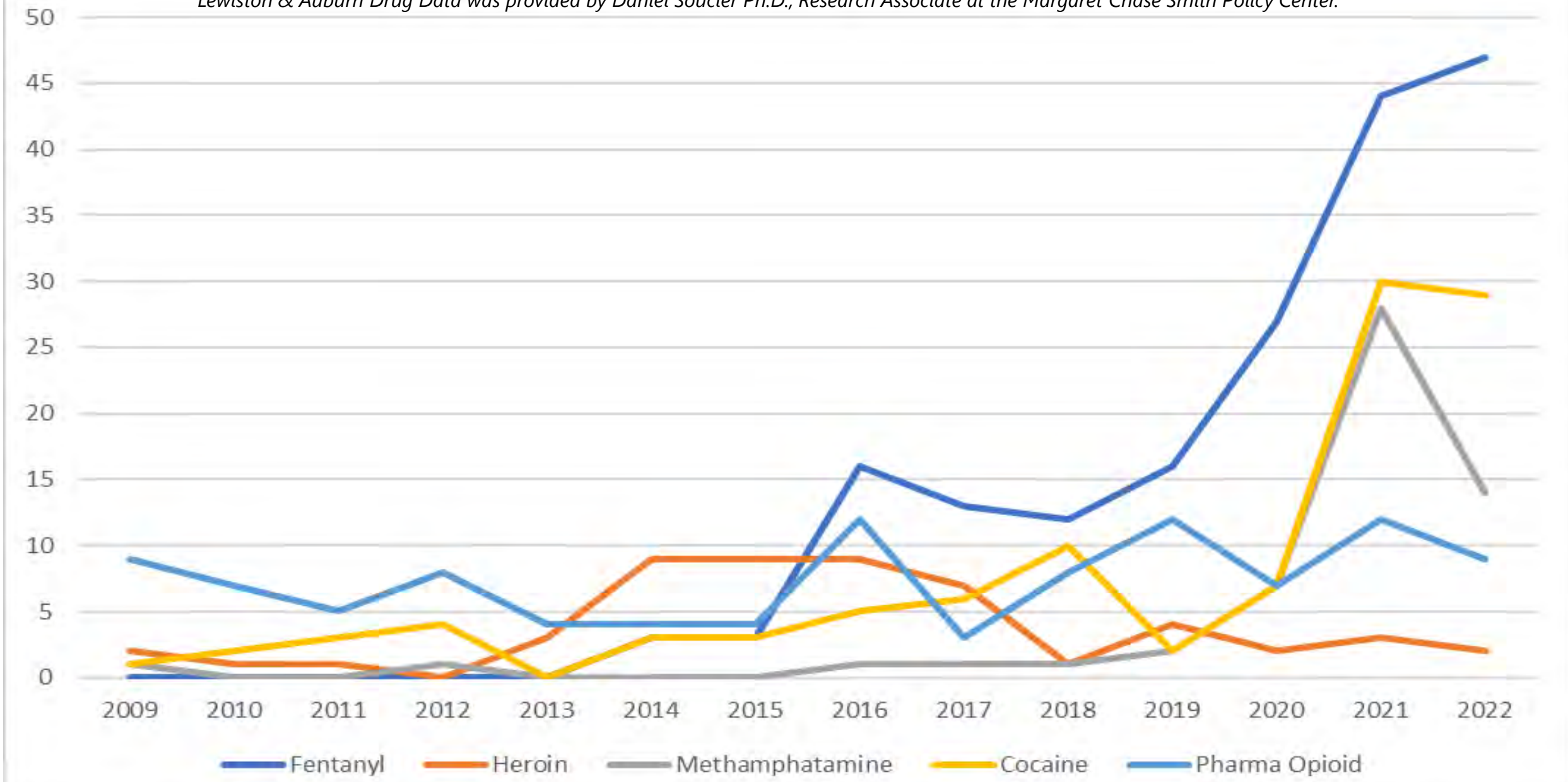
Data from Maine Drug Data Hub: www.mainedrugdata.org was provided by Daniel Soucier Ph.D., Research Associate at the Margaret Chase Smith Policy Center.

auburnmaine.gov


Deaths caused by drugs, Lewiston & Auburn
Lewiston & Auburn Drug Data was provided by Daniel Soucier Ph.D., Research Associate at the Margaret Chase Smith Policy Center.
70
60
50
40
30
20
10
0
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022

Drug Deaths by Substance, Lewiston & Auburn

Lewiston & Auburn Drug Data was provided by Daniel Soucier Ph.D., Research Associate at the Margaret Chase Smith Policy Center.



Androscoggin County OPTIONS Year 2 data roll up (October '21 - May - '22_

Response Calls	
Coresponse	220
Post-OD Followup	237
Fatal Overdose	26
Nonfatal Overdose	193

Demographics	
Race	
African American	54
American Indian	2
Asian	0
White	163
Gender	
Male	133
Female	77
Transgender	2
Sexuality	
Lesbian	10
Gay	15
Bisexual	3
Housing	
Stably Housed	100
Unstably Housed	45
Homeless	70

Trainings	
Trainings Conducted	27
People Trained	135

Naloxone	
Kits left behind	66
Doses left behind (2 per kit)	132

Referrals to Services	
MaineMOM	0
Syringe Service	15
Infectious Disease Testing	5
Recovery Supports	42

Nature of Contact	
Self Referrals	0
Referrals from public safety, affected other, or other proactive source	166
Follow Up after initial interaction	137
Unable to make follow up contact	107

Treatment Referrals	
Number of Treatment Referrals	52
Number that engaged with provider	39
Percent that went to treatment	75%

Data provided by Daniel Soucier Ph.D., Research Associate at the Margaret Chase Smith Policy Center.

*2021 and 2022 data is **suspected** and confirmed overdoses.

This data will not be confirmed through toxicology until all cases are closed and reports are released from the Maine Office of Attorney General

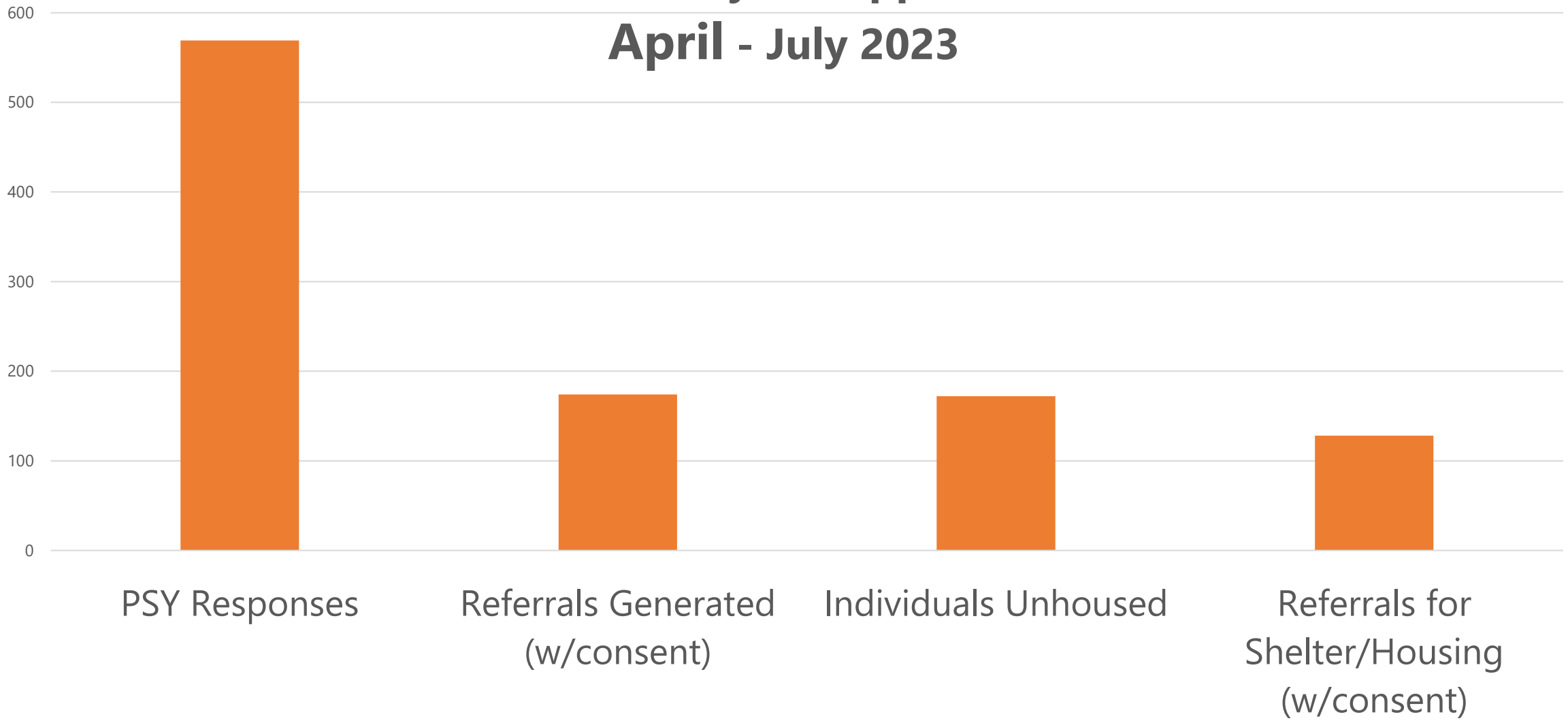
Auburn PSY CFS March – July 2023 by call type

Auburn PSY Calls	March	April	May	June	July	Total
WellBeing	22	13	13	12	8	68
PCF (Person Cared For Medical/Mental)	3	10	3	9	6	31
Psychiatric Problems	0	0	3	2	0	5
Medical Call	7	10	9	4	8	38
Police Follow Up	3	13	18	19	14	67
PSY Follow Up	14	6	5	18	16	59
DV Follow Up	0	0	0	3	2	5
Death Notifcation	0	1	1	2	1	5
Neighbor Trouble	0	1	0	1	3	5
Children Troubles	3	8	8	1	3	23
Community Contact	0	2	1	0	0	3
Ingestion	3	2	1	0	3	9
Call Types other than listed above:	89	72	82	72	68	383
Total Calls:	144	138	144	143	132	**701**
Fire Department Calls	4	16	12	9	14	**55**
Police Department Calls	140	122	132	134	118	**646**

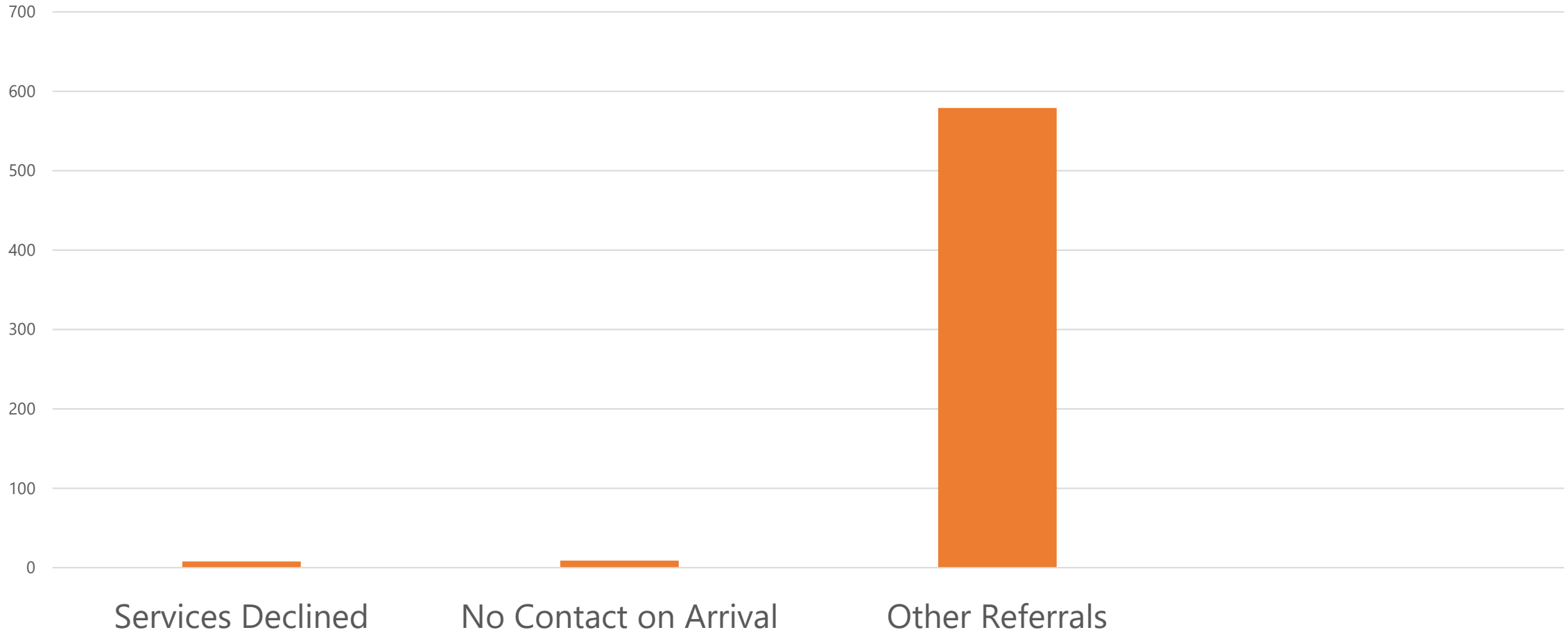
auburnmaine.gov

Auburn Project Support You

April - July 2023



Auburn Project Support You
April-July 2023



2020 Operational Impacts: Auburn Fire Department High System Users

Operational Impacts of Auburn Fire Department High System Users

Address	Total Responses	Transports	Time in Hours Dedicated to Specific Patient*	Ambulance Mileage Incurred*	Notes
CASE 1	34	30	19.6	128	Repeat indication of ETOH use
CASE 2	29	28	14.2	103	Repeat Non-Emergent Complaints
CASE 3	29	27	17.5	95	Repeat Requests for Detox via EMS
CASE 4	20	20	12.3	76	Repeat Behavioral Health Requests
CASE 5	16	0	5.1	X	Repeat Requests for Lift Assists
CASE 6	16	10	5.3	41	Repeat Tox/Behavioral Health
Total Impact	**144**	**115**	**74**	**443**	

*Approximate Values

auburnmaine.gov

2020 data provided by Chief Chase on 11/3/2021 and provided to Council previously

Auburn Fire Department

Project Support You (PSY)

Prior to Program Start: Impact on Calls For Service (CFS)

2022

4723 EMS calls for service with patient contact made up of 3152 Individual people

77% Of contacts calls for service equaled 1

Top 50 individuals with highest CFS equaled 10% of total

6 Program referrals were identified as being in top 50 with an average of 10 CFS in 2022

6 Average CFS for referred persons from 2022 - POC

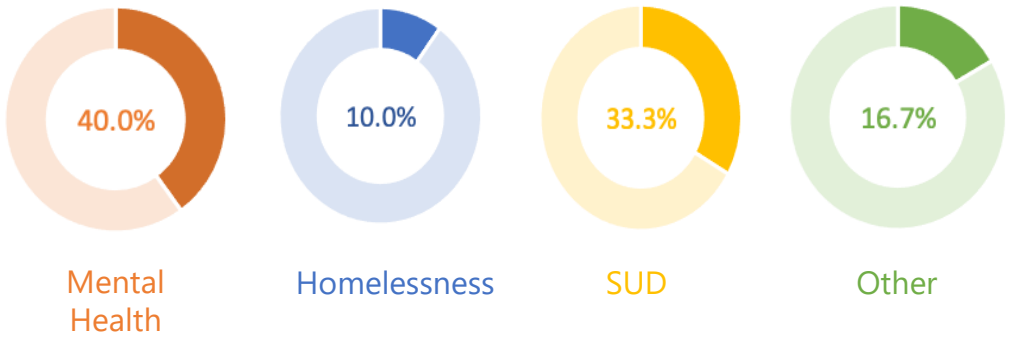
auburnmaine.gov

Auburn Fire Department

Project Support You (PSY)

Program to Date:

30 FD initiated program referrals



Outcomes:

60% Referrals had no return CFS

1 Average CFS from after referral

Return CFS after referral

<30 Days	30 - 59	60-90	>90
25%	17%	25%	33%

auburnmaine.gov

Project Support You Success Snapshots

- Auburn Fire Department – Stephen Almquist
- Tri-County Mental Health Services – Catherine Ryder

Q&A

auburnmaine.gov

July 19, 2023

Marc Fishman
PO Box 4182
Portland, ME 04101

Re: Application for a Medical Marijuana Cultivation Facility located at 213 Washington Street under the name of Marc Fishman.

Dear Mr. Fishman:

This letter is to notify you that the Medical Marijuana Cultivation Facility license application that you submitted has been denied based on the following:

The proposed Medical Marijuana Cultivation Facility is located within 1,000 feet of another cultivation facility.

City Ordinance Section 60-81. Abandonment indicates the following:

If any nonconforming use of a building or portion thereof or of land or portion thereof be discontinued for a period of 12 consecutive months' duration or more or is voluntarily discontinued, it shall be presumed abandoned, such use shall not be resumed, and only a use conforming with zoning provisions in the zoning district in which located shall thereafter be made of such building or land, except as may be permitted otherwise under section 60-79(4) and (5). A use shall be deemed to be discontinued when the principal activity ceases. A use that is voluntarily discontinued shall be deemed to have ceased when a written statement containing the name of the owner of the property, the name of the business or use, the nature of the use being discontinued, and the date of the discontinuance is reviewed by the municipal officer charged with enforcement.

Our records indicate that the facility was licensed on 1-25-2021 under license # BL002853-01-2021, issued to John Gary Howard for medical cultivation and this license would have expired on 1-25-2022, however, we received notification and a request to close out this business license on 8-31-2021. On 12-8-2021 we received an incomplete application for Medical Marijuana Cultivation from Brendon Venable for this address, however, he never provided enough information to process the application and the application was closed out as incomplete on 1-11-2023.

Based on those records, there has not been a licensed facility at this site since 8-31-2021. The use was voluntarily discontinued based on the written request to close out this business license on 8-31-2021 and the use was ceased on the same date. On 8-31-2022 the use was abandoned pursuant to the above ordinance section 60-81.

In addition, following an inspection held on July 12, 2023, there were several deficiencies noted.

- The facility needs a deadbolt on the exit door, the alarm system needs activation and a 30-day video back up & remote access to the system.
- There were several electrical issues which would have to be addressed.
- Fire extinguishers and all life safety systems would have to be inspected and must be operational.

Please note the City Council shall be notified of the decision to deny this business license application at their next regularly scheduled meeting.

If you decide to appeal the decision, the process is as follows:

Sec 14-39. Appeal
Except as otherwise provided, appeals shall be made by filing a written notice of appeal with the office of the City Clerk or designee within 30 days of the date of any such denial to the City Council in writing, whereupon a hearing will be scheduled, at which time the applicant shall have the right to be heard. It shall be the duty of the City Clerk or designee to notify such applicants who have appealed, of the time and place of the hearing.

If you have any questions with the foregoing, please feel free to contact me at sdallaire@auburnmaine.gov or 207-333-6601 ext. 1126.

Sincerely,

Susan Clements-Dallaire

Susan Clements-Dallaire
City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order:** 104-08072023

Author: Jennifer Boenig, Downtown Coordinator

Subject: Approving the Mass Gathering for Auburn Blues & Brews event

---

Information: The Auburn Blues & Brews event is scheduled for Saturday, September 9, 2023 from 12:30-7:30 PM. The event will be held in Festival Plaza and on Main Street which will be closed with public works trucks and barricades. This free community event will feature live music, craft brews, food trucks and more.

A mass gathering is defined as any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for two or more hours.

City Budgetary Impacts: This event is budgeted through the Communications Department.

Staff Recommended Action: Hold the public hearing and motion to approve the mass gathering.

Previous Meetings and History: NA

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

- Application for Blues & Brews event mass gathering
- Application for a License for an Incorporated Civic Organization
- Public Notice
- Order

Date received: _____

Date approved: _____

CITY OF AUBURN
SPECIAL EVENT/MASS GATHERING APPLICATION

Required for any special event on city property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

****

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 7.27.23

SPONSOR INFORMATION

Name of Sponsoring Organization: City of Auburn

Name of Contact Person for Event: Jennifer Boenig

Title of Contact Person: Downtown Coordinator

Mailing Address: 60 Court Street, Auburn, ME 04210

Daytime Telephone: 207.333.6601 ext.1132 Cell Phone: 207.576.5348

Email Address: jboenig@auburnmaine.gov

Contact Name and Cell Phone Number DURING the Event: Jennifer Boenig, 207.576.5348

Is your organization incorporated as a non-profit organization? Yes ☐ No ☑

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: Auburn Blues & Brews

Type of Event (walk, festival, concert, etc.): Festival/concert

Date of Event: Saturday, September 9, 2023 Rain Date: _____

Times of Event: Start Time including set-up: 7 AM Ending time including clean up: 10 P

Actual Event Start Time: 12:30 PM Actual Event End Time: 7:30 PM

Estimated Attendance: 2,500-3,000

Location of Event: Festival Plaza/Main Street

Have you held an event at this location within the last 12 months? Yes ☑ No ☐

If the location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved?

Yes ☐ No ☐ Pending ☐ Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Not permitted	**CROSS-STREET BANNERS** Please note that the city no longer allows cross-street banners.			
Separate fee and permit possible	**FOOD** – Will food or beverages be sold? If yes, list what types of food or beverages: Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	☑	☐	☐
Separate fee and permit possible	**NON-FOOD ITEMS** – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: Note - A peddler permit may be required and must be submitted 14 days prior to the event.	☑	☐	☐
N/A	**LIVE MUSIC** – Will there be any outdoor musical performances? If yes, please describe: five blues bands performing	☑	☐	☐
N/A	**SOUND AMPLIFICATION** – Will there be a microphone or speaker system to project sound?	☑	☐	☐
Separate fee and permit possible	**ALCOHOL** – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	☑	☐	☐
Separate fee and Permit required	**CARNIVAL** – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	☐	☑	☐
Separate fee and Permit required	**FIREWORKS** – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	☐	☑	☐
N/A	**PARADE** – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	☐	☑	☐
N/A	**RUN/WALK/CYCLE** – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route:	☐	☑	☐
Separate permit required	**BURN PERMIT** – Will there be any open flame such as a bonfire? If yes, describe activity: Note - A permit from the Fire Department is required.	☐	☑	☐

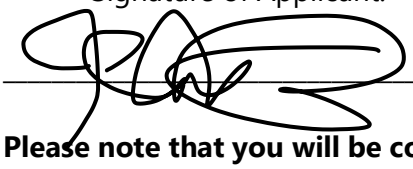
N/A	**TENT/CANOPY** – Will you be setting up a tent or canopy? If yes, list number and sizes: 3 tents for breweries and pop-ups at entry points	☑	☐	☐
Separate fee and permit required	**ELECTRICAL POWER/EQUIPMENT** – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? Stage/sound equipment	☑	☐	☐
N/A	**ROAD/INTERSECTION CLOSURE** – Will any roads need to be closed to accommodate your event? If yes, please list: hard closures of Main Street, see map	☑	☐	☐
N/A	**MAP/DIAGRAM** – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	☑	☐	☐
N/A	**PARKING ACCOMODATIONS** – What will be the anticipated need for parking and what is your parking plan? parking garage and surface lot	☑	☐	☐
N/A	**TOILETS** – Please list amount at event and/or nearest location: 11 portable toilets in event space	☑	☐	☐
N/A	**WASTE DISPOSAL** – Please list process and location: trash cans throughout space, espcially near toilets and food trucks	☑	☐	☐
N/A	**HAND WASHING FACILITIES** – Please list amount at event and/or nearest location: portable toilets	☑	☐	☐
N/A	**POTABLE WATER** – Please list amount at event and location: bottled water in pump house	☑	☐	☐
N/A	**FIRST AID FACILITIES** – Please list location at event: ambulance on-site at Main/Court streets	☑	☐	☐
$	**TOTAL FEE INCLUDED** – Checks payable to "City of Auburn"			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc., the city requires general liability insurance coverage. The **City of Auburn** is to be named as "additionally insured" for the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed on the Certificate of Insurance (minimum coverage $1,000,000 Bodily Injury or Death, per occurrence, and $300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

- The Auburn Blues & Brews event is a free community event featuring five blues bands, four food trucks, and several area breweries in the heart of downtown. Main Street is closed with public works trucks serving as hard barricades, creating a true block party atmosphere. Both APD and AFD will be on-site during the event.

Signature of Applicant:	Printed Name:	Date Submitted:
	Jennifer Boenig	7.27.23

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

******FOR STAFF USE******

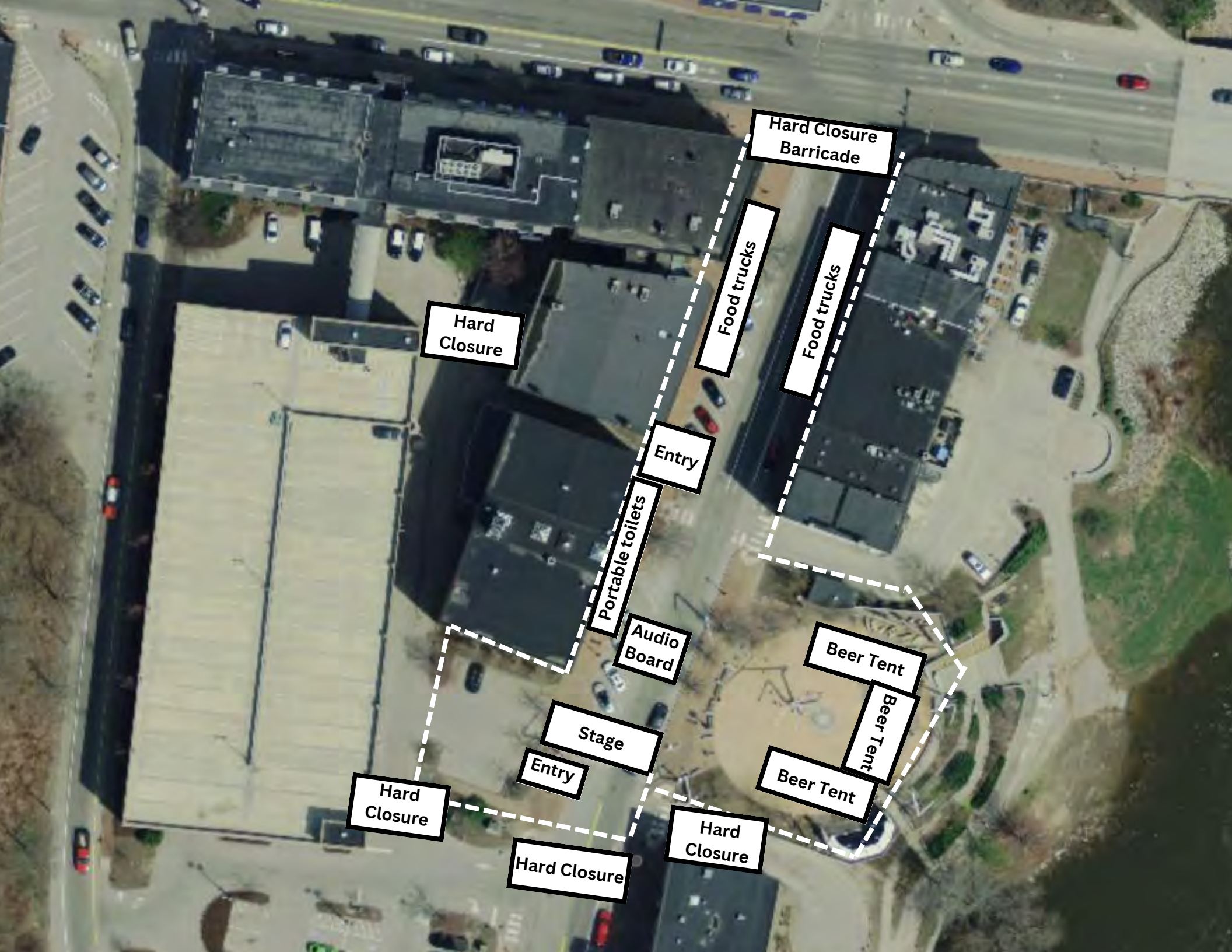
DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied:_____ Date applicant notified: _____


Hard Closure Barricade
Food trucks
Food trucks
Hard Closure
Entry
Portable toilets
Audio Board
Beer Tent
Beer Tent
Beer Tent
Stage
Entry
Hard Closure
Hard Closure
Hard Closure

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on August 07, 2023 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Special Event/Mass Gathering application for:

Auburn Blues & Brews Festival to be held at Festival Plaza/Main Street and surrounding areas on September 9th.

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on August 07, 2023 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Special Event/Mass Gathering application for: **Auburn Blues & Brews Festival to be held at Festival Plaza/Main Street and surrounding areas on September 9th** . All interested persons may appear and will be given the opportunity to be heard before final action is taken.

ORDER 104-08072023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Mass Gathering permit for the September 9, 2023 Auburn Blues & Brews event sponsored by the City of Auburn.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order:** 106-08072023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Victory Garden 2024

Information:
The Victory Garden 2023 program provided vouchers to 166 residents to install small, home food production gardens. This program was initially funded at $25,000 and quickly allocated all funds. An additional 82 applicants were not approved due to a lack of program funds.

The Business & Community Development Department seeks additional funds to continue the program in 2024. Program improvements will include an earlier application period, a priority application window for applicants not funded in 2023, and work with community groups to expand the list of participating retailers.

City Budgetary Impacts:
The Office of Business & Community Development is seeking an additional $50,000 in ARPA funds to administer this program. $48,000 will provide vouchers to approx. 350 residents. $2,000 will cover program administration costs.

Staff Recommended Action:
Approve the order as presented.

Previous Meetings and History:
3/20/2023 Mayor proposed action for staff to work from.
4/18/2023 Council approved $25,000 of ARPA funds for the Victory Garden program.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
The Victory Garden 2024 program guidelines
Draft Victory Garden Application form

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Auburn Victory Garden Program

2024

Purpose

The purpose of the Victory Garden program is to assist residents who wish to produce their own fresh, healthy food by reducing the start-up costs of backyard or container gardens. This initiative aligns with goals established within the city's Comprehensive Plan which aims to "ensure that fresh, local food is equitably accessible to everyone regardless of income or geography" (Objective K.1.1) by "supporting practices that facilitate access to healthy food in residential settings" (Objective K.1.3).

Funding

The City of Auburn may provide funds to qualified residents. Maximum assistance is $150 per household. Funds will be provided as vouchers to participating farm & garden retailers and nurseries.

Approved applicants will receive a voucher that can be used at participating retailers. Vouchers will be presented to the retailers during checkout and redeemed by the retailer. No change will be provided and unused funds will be returned to the program. City Staff will work with the local food and agriculture focused community groups to solicit and expand participating retailers.

Eligibility

Existing Auburn residents are eligible for financial assistance. The funds can be used to purchase necessary equipment, supplies or seedlings to improve production of fresh and healthy food offerings. Evidence of residency in the form of a property tax bill or utility will that match the name on the application will be required. Approved vouchers will be mailed to the address on the application.

Application

New applications will be sent to unfunded applicants from 2023 on April 20, 2024. These previously unfunded applicants will have an early application window (March 1st- March 15th).

The open application period will run from March 15th to April 15th, 2024. Only applications received by April 15th will be considered. Vouchers obtained through this process will be valid until August 30, 2024.

Applicants who received funding in 2023 can re-apply but will be placed on a waitlist. If funds remain after processing all new applications, only then will repeat applicants be considered for funding.

The following application will be used to collect all pertinent information and determine eligibility. Completed applications can be submitted to the Business & Community Development office at CDBG@AuburnMaine.gov

Victory Garden Application

Business & Community Development
60 Court St Auburn, Maine 04210
Phone (207)-333-6601
www.AuburnMaine.Gov
Growing Season 2024

Applicant Information

Applicant Name: _____ Number in Household:_____

Home Address: _____ Phone:_____

City: _____State: _____Zip:_____ Email :_____

O Female **O** Male	**Veteran Status**	**Race/Ethnicity**
This garden's primary focus is to provide:	**O** Non-Veteran	**O** Black/African **O** Asian/Pacific
O Availability of Fresh produce	**O** Veteran	**O** Hispanic **O** Native/Eskimo
O Financial stability		**O** White **O** Other

Have you ever grown your own produce? ◯ **No** ◯ Yes

Do you require assistance ◯ No ◯ Yes (if yes, the city will provide contact information for garden mentor organizations).

Do you agree to use these resources to provide food for your household? ◯ No ◯ Yes Initial:_____

Please Describe how you will use these funds: _____

_____

_____

_____

Amount Requested: $_____

Please include recent 1 utility or tax bill with your application to verify residency status.

If approved, applicants will receive a voucher that can be used at one of the following retailers. Present the voucher during checkout to redeem. Please use the total approved amount in one transaction. No change will be provided and unused funds will be returned to the program.

- List of Participating Vendors

Authorization & Certification

I hereby certify that all information contained in this document and any attachments is true and correct to the best of my knowledge. I understand that this is a federally funded program, and I may have to provide further documentation, receipts and reports confirming these funds were used in accordance with federal guidelines. Failure to do so will constitute a default on a federal debt and may cause me to be debarred from future government assistance.

The city does not warrant or guarantee in any manner that its assistance will result in a successful harvest. I/We specifically waive and release any claims now or in the future regarding the assistance provided by the city and / or its agents.

Applicant Signature: Date

_____

For Office Use Only:

◯ Approved ◯Denied Authorized Official: _____Date: _____

Voucher #_____ Amount approved: $_____

ORDER 106-08072023

City Council Order

IN CITY COUNCIL

ORDERED, that that City Council hereby authorizes an additional $50,000 in ARPA funds for the continuation of the Victory Garden program into 2024, which will comply with established program guidelines and meet all ARPA rules, regulations and guidance.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order:** 106-08072023

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the District Lodge 4, Local Lodge S-89 covering 8/26/2023 – 6/30/2024

Information: The Collective Bargaining Agreement between the City of Auburn District Lodge 4, Local Lodge S-89 Allows current school employees serving the on maintenance division to become city employees as part of a comprehensive Agreement between the Auburn school and City of Auburn

---

City Budgetary Impacts: N/A

Staff Recommended Action: Staff recommends the City Council vote to approve.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 106-08072023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the District Lodge 4, Local S-89, effective August 26, 2023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **Order:** 107-08072023

Author: Jonathan P. LaBonte

Subject: Authorization to Sell Surplus Personal Property – Auburn Lewiston Municipal Airport

---

Information:
The Cities of Auburn and Lewiston, through their jointly established Auburn-Lewiston Municipal Airport, maintain control over the sale of surplus real estate and personal property valued in excess of $1,000. As the airport proceeds with the sale of assets abandoned in Hangar #5, there is a potential for increased market interest for assets the airport owns and either cannot use, or is not going to use into the future.

Rather than seek authorization from each City Council for each item, a blanket permission to sell items the Board designates is requested. This will empower the board, through December 31, 2023, to review personal property and its current utilization and make a decision to sell.

City Budgetary Impacts: None, though there is a potential positive impact for airport finances through the sale of personal property.

Staff Recommended Action: Passage of this Order

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDER 107-08072023

City Council Resolve

IN CITY COUNCIL

ORDER, authorizing the Auburn-Lewiston Municipal Airport Board of Directors to designate and sell surplus personal property, with a value in excess of $1,000, through December 31, 2023.

WHEREAS, the Auburn-Lewiston Airport is a joint agency between the Cities of Auburn and Lewiston; and

WHEREAS, the 1979 Interlocal Agreement, Article VIII, lays out the requirement that all surplus property with a value in excess of $1,000 may only be sold with the approval of the respective City Councils; and

WHEREAS, the Airport Board of Directors will be reviewing surplus and unused property during its review of operations during the current fiscal year;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of AUBURN,

To authorize the Auburn-Lewiston Municipal Airport Board of Directors to designate and sell surplus personal property, with a value in excess of $1,000, through December 31, 2023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023 **ORDER:** 108-08072023

Author: Jonathan P. LaBonte

Subject: Hangar #5 Loan – Auburn Lewiston Municipal Airport

Information:
The Cities of Auburn and Lewiston, through their jointly established Auburn-Lewiston Municipal Airport, entered into a long-term lease with a developer for the construction of a 27,400 hangar for the Constellation project of Lufthansa Technic. In August 2014, to provide financial relief to the airport and to achieve projected savings by owning a hangar versus leasing it through 2028, the cities provided a loan to the airport for its acquisition.

With the 2018 departure of Lufthansa Technic, the airport again faced financial challenges and a request was made to the cities to restructure the debt, extending the loan period from maturity in FY2027 to FY2034.

In March of 2023, during the airport's FY2023, Elite Airways was evicted for non-payment of February and March lease payments per a stipulation to judgment executed that month. The lease payments by Elite for July 2022 through January 2023, which had been budgeted for the annual loan payments to both cities, was not set aside and was spent on airport operations.

Without a tenant for Hangar #5, the on-going challenge of addressing abandoned aviation and non-aviation property, and the shift in FY24 of all utilities to the airport until a tenant is found, deferring the FY23 and FY24 loan payments was a necessary step to balance the airport budget in the near term.

City Budgetary Impacts: FY2023 and FY2024 loan payments to the General Fund, totaling $115,000, would not be made in lieu of extending the maturity date from FY2034 to FY2036.

Staff Recommended Action: Passage of this Resolve

Previous Meetings and History:
August 18, 2014 – City Council authorizes 13-year loan from its General Fund to finance purchase of Hangar #5
October 15, 2018 – City Council authorizes an amendment to the loan to extend payback period from FY27 to FY34

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 108-08072023

City Council Resolve

IN CITY COUNCIL

ORDER, authorizing an amendment to the hanger loan between the City's General Fund and the Auburn-Lewiston Municipal Airport to extend its maturity to from FY2034 to FY2036.

WHEREAS, the Auburn-Lewiston Airport is a joint agency between the Cities of Auburn and Lewiston; and

WHEREAS, in 2014, the Airport purchased Hangar #5 from a developer through a $2.2 million loan provided by the Cities of Auburn and Lewiston; and

WHEREAS, in 2018, due to the lease cancellation by Lufthansa, the Airport requested an amendment to loan to move the maturity date from FY2027 to FY2034; and

WHEREAS, the subsequent tenant in Hangar #5, Elite Airways, was evicted in March 2023 due to non-payment; and

WHEREAS, the Airport Board needs the financial flexibility for FY2023 and FY2024 to resolve challenges with the abandoned property at the hangar, the shift of financial liability for utilities, and to identify a viable tenant;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of AUBURN,

That the loan between the City's General Fund and the Auburn-Lewiston Municipal Airport be amended to extend the maturity from FY2034 to FY2036.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 07, 2023 **Order:** 109-08072023

Author: Alison F. Pepin, Deputy City Clerk

Subject: Gipper's Sports Grill, LLC., 120 Center Street

Information:
Gipper's Sports Grill, LLC., 120 Center Street an existing business under new ownership applied for a Liquor License. Police, Fire, and Code have completed the necessary inspections and have granted approval. There are no outstanding taxes owed.

City Budgetary Impacts: None

Staff Recommended Action: Public Hearing and recommend passage

---

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Applications
- Public Notice
- Order

CITY OF AUBURN
BUSINESS LICENSE APPLICATION

☐ NEW ☒ RENEWAL 7/31/23

If new business, please provide proposed opening date. _____

Please check the boxes for all licenses you are applying for:

Business Name: Gipper's

Office of the City Clerk
60 Court St, Auburn,
ME 04210
207.333.6600
www.auburnmaine.gov

Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

There is a late fee of $50.00 for renewals that are 30-45 days late, $100.00 for more than 46 days late, and $200.00 for reoccurring

Food Service Establishments:

☐ ***FSE Mobile Food distribution Unit** (12 mths) ...$100
Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use oflocation.

☒ **FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I)** $500
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE Serving Malt and/or Vinous (FSE Class III & IV)**..... $400
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X)** $1000
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***FSE(On/Off), no Alcohol**.....$200
Includes Prepackaged Foods

☐ ***Bottle Club/BYOB**..... $200
Plus actual cost of advertising hearing required for new license. Background check must also be included.

☐ ***Temp FSE** (Per event max 30 days).....$60

Event Name _____

Event Date _____

Other Business Licenses Applying for:

☐ ***Special Amusement** $125
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionaire (pg. 4.

☐ ***Pawnshop/Pawn Broker** $100

☐ ***Secondhand Dealer**..... $100

☐ ***Massage Establishment/Therapist**..... $150
State license #: _____

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

☐ ***Tattoo Artist**..... $100

***Above licenses:** *Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application.* **You can do it yourself on-line here: http://www5.informe.org/online/pcr/**

☐ **Bowling Alley (fee per lane)** $85
# of lanes: _____

☐ **Roller Skating Rinks with Part/Full Kitchen**.....$90

☐ **Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc**..... $100

***All above licenses**: include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

Seating: 150 **Occupancy load:** 230

☐ **FSE Off Premise/Retailer-Malt Liquor/Table Wine**..... $200

LICENSING FEE(S) TOTAL DUE: $ 500.00
extend 3 mths to 10/31/2024 + $126.00
$626.00

NAME OF BUSINESS: Gippers Sports Grill BUSINESS ADDRESS: 120 Center Street

BUSINESS MAILING ADDRESS: Same

OWNER'S NAME (LOCAL/ONSITE): Joseph Noveira / Jon Fournier / Karen Sweetser DOB: Joseph - 1-12-70, Karen 2-11-77, Jon - 11-19-87 PHONE: 207-786-0715

OWNER'S ADDRESS: Joseph - 45 Carson St - Auburn ME 04210 MAILING ADDRESS:

Karen - 1 Weaver St Auburn ME 04210

PREFERRED EMAIL: ~~Jon - 697 Old Greene Rd Lewiston ME 04210~~

MANAGER'S NAME: Katie Philbrick PHONE #: 207-786-0715 DOB: 6-18-1980

PREFERRED CONTACT NAME: Joseph Noveira PHONE #: 207-754-5760

EMAIL ADDRESS: JayGolf1970@gmail.com

DESCRIPTION OF BUSINESS: Casual Restaurant

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN):

FORM OF BUSINESS ORGANIZATION: ☒ Corporation ☐ Partnership ☐ Sole Proprietorship ☐ LLC ☐ Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	*Print Clearly* Address Previous 5 years	Birth Date	% of Stock	Title
Joseph Noveira	45 Carson St Auburn ME	1-12-70	40	President
Karen Sweetser	1 Weaver St Auburn ME	2-11-77	20	Treasurer
Jon Fournier	697 Old Greene Rd Lewiston	11-19-87	40	Vice President

OWNER OF BUILDING/UNIT: Dan Boutin PHONE # 207-375-4081

OWNER'S ADDRESS: 1023 Littlefield Rd Sabattus ME 04280

HOURS OF OPERATION: Mon: 11am TO 10pm Tues: 11am - 10pm Wed: 11am - 11pm Thurs: 11am - midnight

Fri: 11am TO mid Sat: 11am - mid Sun: 11am - 10pm

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? ☐ Yes ☒ No (If yes, complete the following)

Name: Date of conviction:

Offense: Location:

Disposition:

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

****READ CAREFULLY BEFORE SIGNING****

I, Joseph Doverit (Print name), Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: _____ **Date:** 7-5-23

FOR OFFICE USE ONLY

REPORT OF INSPECTING OFFICERS:

✓ Approved	_ Denied	FIRE INSPECTOR	DO 7/10
✓ Approved	_ Denied	CODE ENFORCEMENT OFFICER	KB 7/6
✓ Approved	_ Denied	POLICE	BS 7/6
✓ Approved	_ Denied	FINANCE	MC 7/6

Comments:

Application date: 7/5/23 License issued on: _____

Fees paid: License fee(s) 500 Public hearing fee _____ Background fee _____ Late fee _____

Total amount paid = $ 626.00 CK#4560

Extend exp to 10/31/24

Special Amusement Questionnaire:

Exact entertainment to be provided at establishment:

_____

(Specify hours of entertainment) Mon: _____ Tues: _____ Wed: _____ Thurs: _____
Fri: _____ Sat: _____ Sun: _____

Describe in detail the room(s) to be used under the permit:

_____

Include a diagram or floor plan of your business. On the diagram please list the following:

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

☐ Yes ☐ No If yes, Please explain (Including location and timeframe):

_____

_____

PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:

CURRENT LIQUOR LICENSE #_____EXPIRATION DATE:_____

PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

Applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. These officers will supplement the existing staff or security.

The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance._____**(Initial)**

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Division Use Only
License No:
Class: By:
Deposit Date:
Amt. Deposited:
Payment Type:
OK with SOS: Yes ☐ No ☐

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): Gipper Sports Grill	Business Name (D/B/A): Gippers Sports Grill
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 120 Center St
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: Auburn ME 04210
Mailing address, if different from DBA address:	Email Address: Jay6olf1970@gmail.com
Telephone # Fax #: 207-786-0715	Business Telephone # Fax #: 207-786-0715
Federal Tax Identification Number: 01-0448483	Maine Seller Certificate # or Sales Tax #: 9176
Retail Beverage Alcohol Dealers Permit:	Website address: gippers.com

1. New license or renewal of existing license? ☒ New Expected Start date: 1/1/23
   ☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
   Food: 2,772,510 Beer, Wine or Spirits: 994,171 Guest Rooms: _____

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
   ☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

_____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Joseph Noveira	4-12-70	Jersey City, NJ
Jon Fournier	11-18-87	Lewiston ME
Karen Sweetser	2-11-77	Lisbon ME

Residence address on all the above for previous 5 years

Name Joseph Noveira	Address:	45 Carson St Auburn ME 04210
Name Jon Fournier	Address:	697 Old Greene Rd Lewiston ME 04240
Name Karen Sweetser	Address:	1 Weaver St Auburn ME 04210
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If **Yes**, provide name of law enforcement officer and department where employed:

_____

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Dan Boutin 1023 Litchfield RD Sabattus ME 04280

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: N/A

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

5000 SF Single Story building with outside fenced in area

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Church

Distance: 1 MILE

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to $2,000 or by both.

Please sign and date in blue ink.

Dated: 7/5/2023

Signature of Duly Authorized Person

Signature of Duly Authorized Person

JOSEPH NOVEIIA

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

This Application will Expire 60 Days from the date of Municipal or County Approval unless submitted to the Bureau

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
    - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of $10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the $10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	**For the sale of liquor (malt liquor, wine and spirits)**	$ 900.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	
Class I-A	**For the sale of liquor (malt liquor, wine and spirits)**	$1,100.00
	This class includes only hotels that do not serve three meals a day.	
Class II	**For the Sale of Spirits Only**	$ 550.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	**For the Sale of Wine Only**	$ 220.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	**For the Sale of Malt Liquor Only**	$ 220.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class III and IV	**For the Sale of Malt Liquor and Wine Only**	$ 440.00
	This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V	**For the sale of liquor (malt liquor, wine and spirits)**	$ 495.00
	This class includes only a Club without catering privileges.	
Class X	**For the sale of liquor (malt liquor, wine and spirits)**	$2,200.00
	This class includes only a Class A Lounge	
Class XI	**For the sale of liquor (malt liquor, wine and spirits)**	$1,500.00
	This class includes only a Restaurant Lounge	

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Gippers Sports Grill
2. Doing Business As, if any: Gippers Sports Grill
3. Date of filing with Secretary of State: 6/10/1989 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

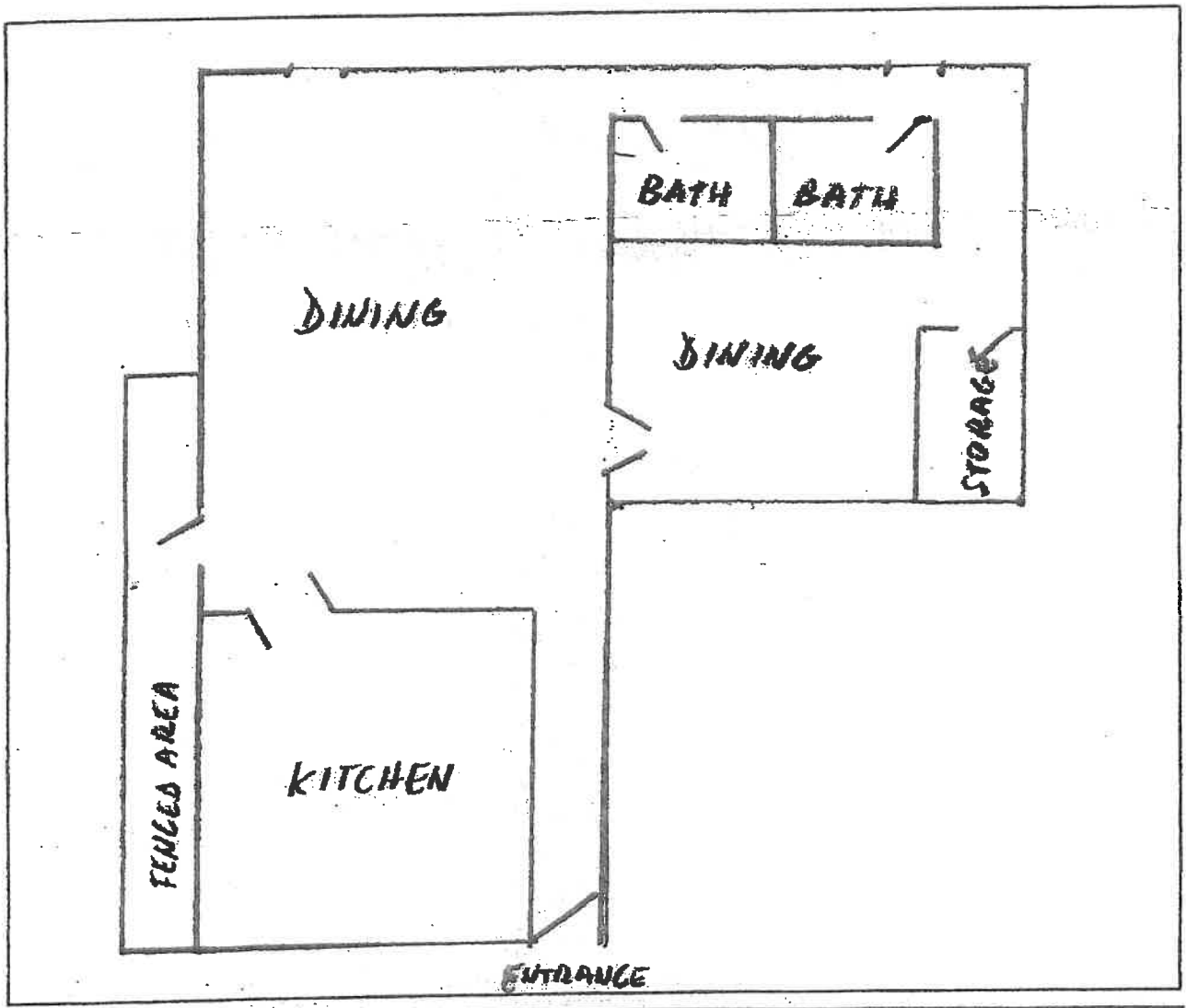
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Joseph Novella	45 Carson St Auburn ME 04210	1-12-70	President	40%
Jon Fournier	697 Old Greene Rd Lewiston ME 04240	11-29-87	Vice Pres	40%
Karen Sweetser	1 Weaver St Auburn ME 04210	2-11-77	Treasurer	20%

(Ownership in non-publicly traded companies must add up to 100%.)

SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM

In an effort to clearly define your licensed premise and the areas that consumption and storage of liquor is allowed, The Bureau of Liquor Enforcement is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Bureau for liquor consumption.



OFFICES LOCATED AT: 397 WATER STREET GARDINER, MAINE 03345

(207) 624-8745 (Voice) (207) 624-4478 (TDD) (207) 624-8767 (Fax)

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JOSEPH A NOVELLA
45 CARSON STREET
AUBURN, ME 04210

Transaction Response #: MIQ99F800194

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-07-26) :

Inquiries Name(s) JONATHAN FOURNIER (1987-11-19)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JOSEPH A NOVELLA
45 CARSON STREET
AUBURN, ME 04210

Transaction Response #: MIQ99F800201

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-07-26) :

Inquiries Name(s) KAREN NELSON (1977-02-11)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JOSEPH A NOVELLA
45 CARSON STREET
AUBURN, ME 04210

Transaction Response #: MIQ99F800195

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-07-26) :

Inquiries Name(s) KAREN BARBAY (1977-02-11)

NO MATCH WAS FOUND FOR YOUR REQUEST.

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JOSEPH A NOVELLA
45 CARSON STREET
AUBURN, ME 04210

Transaction Response #: MIQ99F800202

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-07-26) :

Inquiries Name(s) KAREN SWEETSER (1977-02-11)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

**THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2023-07-26

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S. section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

Identification

Subject Name/or potential Alias Name(s)
SWEETSER, KAREN DAWN

Subject Description (date information provided listed in parentheses)

State ID Number	**DOC Number**	
ME0245878	Unknown/NA	
Sex	**Race**	**Skin Tone**
Female	White	Unknown/NA
Height	**Weight**	**Date of Birth**
508 (2012-07-17)	120 (2012-07-17)	1977-02-11
Hair Color	**Eye Color**	
Brown (2012-07-17)	Brown (2012-07-17)	

Scars, Marks, and Tattoos
Unknown/NA

Place of Birth	**Citizenship**
ME	US (2012-07-17)

Residence

Residence as of	2012-07-17
Address	8 MORSE ST AUBURN, ME 04210 US

Caution Information

Federal Firearms Disqualified Status	X - Unknown

Criminal History

Cycle 001

ATN/Tracking Number	976398A
Earliest Event Date	2012-07-17

Arrest/Charge	(Cycle 001)
Arrest/Charge Date	2012-07-17
Arresting/Charging Agency	AUBURN PD; ME0010100
Subject Name(s)	SWEETSER, KAREN

Arrest Type Adult

Charge 1

Charge Number 976398A 001
Charge Tracking Number 976398A
Charge Case Number 12AUB-1200-AR
Agency AUBURN PD; ME0010100
Offense Date 2012-07-17
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 11493
Severity Misdemeanor

Prosecutor Disposition No data supplied

Court Disposition (Cycle 001)
Court Case Number LEWDCCR201202172
Court Agency 8TH DISTRICT COURT LEWISTON; ME001025J

Charge 1

Charge Number 976398A 001
Charge Tracking Number 976398A
Agency 8TH DISTRICT COURT LEWISTON; ME001025J
Offense Date 2012-07-17
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 11493
Severity Misdemeanor
Disposition 2012-09-10; TRANSFER FOR JURY TRIAL

Court Disposition (Cycle 001)
Court Case Number AUBSCCR201200991
Court Agency SUPERIOR COURT AUBURN; ME001015J

Charge 1

Charge Number 976398A 001
Charge Tracking Number 976398A
Agency SUPERIOR COURT AUBURN; ME001015J
Offense Date 2012-07-17
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 11493
Severity Misdemeanor
Disposition 2012-09-10; TRANSFER FOR JURY TRIAL
2012-11-02; GUILTY

Sentencing (Cycle 001)

Sentencing Agency	SUPERIOR COURT AUBURN; ME001015J
Court Case Number	AUBSCCR201200991
Charge Number	976398A 001
Charge Sequence Number	1
Charge Tracking Number	976398A
Sentence	2012-11-02: FINED $600.00 2012-11-02: INCARCERATED 96 hours 2012-11-02: LICENSE SUSPENSION 90 days

---

Corrections	No data supplied

Index of Agencies

Agency	SUPERIOR COURT AUBURN; ME001015J
Agency Telephone	207-784-5450
Address	PO BOX 3660 AUBURN, ME 04210

Agency	8TH DISTRICT COURT LEWISTON; ME001025J
Agency Telephone	207-795-4800
Address	PO BOX 1345 LEWISTON, ME 04240

Agency	AUBURN PD; ME0010100
Agency Telephone	207-333-6650
Address	60 COURT ST AUBURN, ME 04210

THE FOLLOWING ATN(S) ARE UNSUPPORTED BY FINGERPRINTS IN STATE BUREAU OF IDENTIFICATION FILES: (448757A).

Identification

Subject Name/or potential Alias Name(s)
NOVELLA, JOSEPH A

Subject Description (date information provided listed in parentheses)

State ID Number ME0267342	**DOC Number** Unknown/NA	
Sex Male	**Race** White	**Skin Tone** Unknown/NA
Height 508	**Weight** 180	**Date of Birth** 1970-01-12
Hair Color Brown	**Eye Color** Brown	
Scars, Marks, and Tattoos Unknown/NA		
Place of Birth Unknown/NA	**Citizenship** Unknown/NA	
Residence		
Residence as of	2014-02-24	
Address	30 GRANITE ST AUBURN, ME 04210	
Caution Information		
Federal Firearms Disqualified Status	X - Unknown	

Criminal History

Cycle 001

ATN/Tracking Number	448757A
Earliest Event Date	2006-03-04
Arrest/Charge	(Cycle 001)

MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JOSEPH A NOVELLA
45 CARSON STREET
AUBURN, ME 04210

Transaction Response #: MIQ99F800198

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2023-07-26) :

Inquiries Name(s) JOSEPH A NOVELLA (1970-01-12)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

**THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2023-07-26

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S. section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

Arrest/Charge Date 2006-03-04
Arresting/Charging Agency NORWAY PD; ME0090400
Subject Name(s) NOVELLA, JOSEPH A
Arrest Type Adult
Charge 1
Charge Number 448757A 001
Charge Tracking Number 448757A
Charge Case Number NP060582
Agency NORWAY PD; ME0090400
Offense Date 2006-03-04
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 9878
Severity Misdemeanor

Prosecutor Disposition No data supplied

Court Disposition (Cycle 001)
Court Case Number SOPSCCR200600209
Court Agency SUPERIOR COURT PARIS; ME009015J
Charge 1
Charge Number 448757A 001
Charge Tracking Number 448757A
Agency SUPERIOR COURT PARIS; ME009015J
Offense Date 2006-03-04
Charge Description OPERATING UNDER THE INFLUENCE (Charge Class D)
Statute 29-A MRSA SUBSECTION 2411(1-A)(A)
State Sequence Code 9878
Severity Misdemeanor
Disposition 2006-05-15; TRANSFER FOR JURY TRIAL
2006-07-07; GUILTY

Sentencing (Cycle 001)
Sentencing Agency SUPERIOR COURT PARIS; ME009015J
Court Case Number SOPSCCR200600209
Charge Number 448757A 001
Charge Sequence Number 1
Charge Tracking Number 448757A
Sentence 2006-07-07: FINED $600.00
2006-07-07: LICENSE SUSPENSION 90 days

Corrections No data supplied

Index of Agencies

Agency	SUPERIOR COURT PARIS; ME009015J
Agency Telephone	207-743-8936
Address	PO BOX 179 SOUTH PARIS, ME 04281

Agency	NORWAY PD; ME0090400
Agency Telephone	207-743-5303
Address	19 DANFORTH ST NORWAY, ME 04268

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on August 08, 2023 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for the new owners of:

Gipper's Sports Grill, LLC. – 120 Center Street

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on August 08, 2023 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for the new owners of **Gipper's Sports Grill, LLC.** – 120 Center Street. All interested persons may appear and will be given the opportunity to be heard before final action is taken.

ORDER: 109-08072023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Liquor License for Gipper's Sports Grill, LLC., located at 120 Center Street, Auburn, ME.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 7, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Workshop & Meeting
Agenda
August 21, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Agriculture and Resource Protection Ordinance Update – Eric Cousens
B. Dwelling Size Zoning Change – Eric Cousens
C. T-4.2B Zoning Amendments – Eric Cousens
D. Executive Session – Economic development, pursuant to 1 M.R.S.A. Sec. 405(6)(C) in which premature disclosure would prejudice the competitive or bargaining position of the City.

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Staples

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

II. Minutes

- August 7, 2023, Regular City Council Meeting

III. Communications, Presentations and Recognitions

- Communication - Recycling update (City Manager Crowell)
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Order 110-08212023
Directing the City Manager to report back to Council relating to cost, funding source, and location of a proposed Aquatic Center/Feasibility Study.

2. Order 111-08212023
Allocating $50,000 out of the American Rescue Plan Act (ARPA) funds for Safe Voices.

3. Order 112-08212023

Allocating $20,000 from the American Rescue Plan Act (ARPA) funds to the Boys & Girls Club of Southern Maine – Auburn Clubhouse with $10,000 to be the "Presenting Sponsor" for the "Fall for the Kids" fundraising event and an additional $10,000 for additional Auburn Programming.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions – Personnel matter (City Manager evaluation) pursuant to 1 M.R.S.A. Sec. 405(6)(A).

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023

Author: Eric J. Cousens Director of Planning and Permitting

Subject: Planning Board Recommended Agriculture and Resource Protection (AGRP) Ordinance Changes

---

Information: On June 6, 2023, the Planning Board recommended approval of AGRP Ordinance Text amendments referred to as "Proposal B" with 10 additional amendments. The amendments included in Proposal B were adopted by the City Council without the 10 additional amendments from the Planning Board (First Document in CC Packet titled Planning Board recommendation to City Council on AGRP Zone Proposals A and B dated 6//6/2023). The Planning Board has since held Public Hearings on the 10 additional amendments, numbered 1-10 based the order in the 6/6/2023 recommendation, and provided updated recommendations. For the Hearing process the amendments were divided into 3 decisions so they could be acted on independently based on the merits of each set of changes. The Changes were labeled "B-1 Clarification Amendments 1-8," B-2 5-Year Tax Program Proposal, and B-3 Taylor Pond Watershed Amendment.

B-1: The Planning Board made a favorable recommendation on B-1 Clarification Amendments 1-8, with a recommendation to exclude change number 7: Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less, from the adoption of these changes.
B-2: The Planning Board voted to recommend that the City Council should **not** approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed.
B-3: The Planning Board voted to recommend that the City Council should **not** approve the amendment prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years based on the findings that the change disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone.

City Budgetary Impacts: None.

Staff Recommended Action: Discuss and provide any feedback prior to Public Hearing at the 9/5/2023 CC meeting.

Previous Meetings and History: Last CC meeting was 7/10/2023.

City Manager Comments: I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance Text Change, Staff Report, Request from CDBG, Income and Housing Cost Analysis

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP Zone Proposals A and B.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at https://www.auburnmaine.gov/pages/government/planning-board-agendas and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

MOTION: Tim DeRoche makes a motion; Toni seconds.

"I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal "B", Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal "B", and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in "Proposal B."

The following motions are amendments to the main motion, above.

Motions 1-7 are directly from Evan Cyr's proposed amendments to Proposal "B", submitted 6/6/2023.

Motions 8-9 are from AGRP Zone Group public comment from Steve Beale dated 6/5/2023.

1. **MOTION:** Riley Bergeron; Second: David Trask

Riley Bergeron suggests an amendment for "Sec. 60- 145 (a)(1)(a) to include the language 20% of 2 acres, which ever is less" in reference to lot size. Dave Trask seconds. **VOTE**: Amendment passes 7-0-0

2. **MOTION:** Riley Bergeron; Second: David Trask

Riley Bergeron offers another amendment that 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses rather than just farming. Dave Trask Seconds. **VOTE:** Amendment passes 7-0-0

3. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron would also like to include an amendment for Section 60-145(a)(1)(b)(vii) to read not be sited in any portion of a parcel that has been classified as being: "a. Enrolled in the State of Maine Farmland Tax Program in the last five years, or" **VOTE:** Amendment passes 6-1-0

4. **MOTION:** Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for section 60-145(a)(1)(c) which only references Section 60-145(a)(1)(a) but there are also requirements for a residence later in that section. This could be accomplished by reading, "No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements set forth in Section 60-145(a)(1)(a) and Section 60-145(a)(1)(b)(ii) have been presented" **VOTE:** Amendment passes 7-0-0.

5. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron also offers an amendment to Sec. 60-145 (a)(1)(d) for it to read: "which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Section 60-145(a)(1)(b)(ii). **VOTE:** Amendment passes 6-1-0

6. **MOTION:** Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for Section 60-146(1) to read, "and measuring less than 250 feet in width at the street frontage along a publicly accepted street," **VOTE:** Amendment passes 4-3-0

7. **MOTION:** Riley Bergeron; Second: Toni Ferraro

Riley Bergeron offers an amendment on Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less.

Riley Bergeron clarifies that his amendment refers to where the house should be set on the lot, the same text provided as public comment. David Trask also seconds after this clarification. **VOTE:** Amendment passes 7-0-0

8. **MOTION:** Tim DeRoche; Second: Riley Bergeron

Tim DeRoche proposes an amendment found in Mr. Beale's public comment in Section 145(a)(3) that 'firewood processing and Christmas tree cultivation' should follow the words maple sugaring." **VOTE:** Amendment passes 7-0-0

9. **MOTION:** David Trask; Second: Toni Ferraro

David Trask offers an amendment that in Section 145(b)(8)(a) the words except for approved conservation cemeteries which shall be at least 10 acres in size" should be added. **VOTE:** Amendment passes 7-0-0

10. MOTION: David Trask; Second: Toni Ferraro

David Trask would like to amend where referenced the Lake Auburn watershed to include the Taylor Pond watershed as well. **VOTE:** Amendment passes 7-0-0

MOTION: Tim DeRoche; Second: David Trask

"I make a motion to approve the B option with said amendments (1-10)" **VOTE:** Motion passes 7-0-0.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B-1 with Planning Board Clarification Amendments #1-8

Date: August 8, 2023

I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B1) Planning Board Proposed Changes Numbers One Through Eight: Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

II. Background: On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve proposal B without the amendments offered in the Planning Board recommendation to City Council on AGRP Zone Proposals A and B (included in this packet) and issued an Order that Planning Board hold a public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B-1 with Planning Board Clarification Amendments #1-8 are complimentary to the existing language and function of adopted Proposal B, and do not seem to impose significant change from the previously approved Proposal B. Proposal B-1 with Planning Board Clarification Amendments #1-8 is summarized below and references each motion from 6/6/2023 prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. Proposal B-1 with Planning Board Clarification Amendments #1-8

1. Add "or two acres, whichever is less" after the word coverage in Sec. 60-145(a)(1)(a). (Motion 1)
   Amendment 1 is intended to concentrate the residential development to a smaller percent of each lot and avoid disrupting more land than is needed.

2. Add "agriculture," in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm. (Motion 2*)

Amendment 2 broadens the uses that would allow for a residential unit to include agriculture uses in addition to farming, natural resource, or recreation.

3. Add "and Sec. 60-145(a)(1)(b)(ii)" in Sec. 60-145(a)(1)(c) after the reference to "Sec. 60-145(a)(1)(a)". (Motion 4)
   Amendment 3 adds the requirement that a bona fide farm plan be presented to staff who will determine whether the proposal meets the ordinance before a certificate of occupancy is granted for a dwelling. In addition to the criteria that residential structures are limited to a footprint of 20% of the lot area or 2 acres, whichever is less.

4. Add "and Sec. 60-145(a)(1)(b)(ii)" in Sec. 60-145 (a)(1)(d) after the reference to "Sec. 60-145(a)(1)(a)". (Motion 5*)
   Amendment 4 adds specification that in order for a dwelling to continue existing, it must continually meet the requirements of a bona fide farm, in addition to keeping the residential footprint to 20% of the lot area or 2 acres, whichever is less.
5. Add "along a publicly accepted street" to 60-146(1) after the word "frontage" (Motion 6).
   Amendment 5 specifies that private ways may not be used as road frontage. This is intended to reduce the possibility of creating new roads for the purposes of developing housing, and generally limits the area able to be developed in the AGRP zone.

6. Add "or 400 feet, whichever is less" to Sec. 60-146(3)(c) after the word "lot".
   Amendment 6 limits the maximum development depth on particularly large lots, thereby reducing land fragmentation and disturbing less earth for the construction.

7. Add "firewood processing, Christmas tree cultivation" to Sec. 145(a)(3) after the word "sugaring".
   Amendment 7 is meant to recognize other common natural resources and timber harvesting practices besides agriculture and forestry. It expands the uses for which a home can be accessory.

8. The updated proposal draft includes Sec. 60-145(b)(8)(c), recognizing that 10 acres is the minimum size for conservation cemeteries. This was previously adopted by the council so it is not shown as a change in this proposed text amendment.
   Number 8 recognizes that the motion was made to include 10-acre conservation cemeteries in the AGRP ordinance, by showing the adopted AGRP text that includes this as condition C.

IV. **Staff Recommendation:** Staff recommend the Planning Board recommend approval of all amendments in proposal B1, with the finding that they are in alignment with or strengthen the existing language and are true to the intent of the AGRP zone based on the Comprehensive Plan and existing Zoning.

V. **Suggested Motion:** I make a motion to recommend approval of the text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text change is attached.

Proposal B-1 with Pl Bd Clarification Amendments #1-8

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

• • •

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage or two acres, whichever is less of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, agricultural, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, agricultural, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, agricultural, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii).

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest, including, but not limited to, maple sugaring, firewood processing, Christmas tree cultivation, or mushroom cultivation.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.
(10) Handling, storage or processing and sale of forestry products or agricultural products.
(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
(12) Wayside stands.
(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
(15) Marijuana manufacturing accessory to a licensed cultivation site.
(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Sec. 60-1501.
(17) Natural resource uses.
(18) Small-scale recreational uses of land designed or intended for public use.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
   a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
   a. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
   b. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
(5) Non-small scale recreational uses of land intended or designed for public use subject to the following conditions:
   a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
   b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
   a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
   b. In cases where no minimum setback is established by division 5 of article XII of this chapter

an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:
   a. At least 20 acres in area
   b. Not located in any environmental overlay district or over any known aquifer.
   c. At least 10 acres if designated a conservation cemetery.

(9) Municipal sanitary landfills, subject to the following conditions:
   a. Not located in any environmental overlay district or over any known aquifer.
   b. Provisions shall be made to avoid surface water and groundwater pollution.
   c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
   a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
   b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:
   a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
   b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
   a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
   b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
   c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
   a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
   b. The proposed use shall not occupy more than 10,000 square feet of building area.
   c. The number of employees shall be limited to not more than 15.
   d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
   e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
   a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
   b. Provisions shall be made to avoid surface and groundwater pollution.
   c. Provisions shall be made to counteract vermin, insects and odors.
   d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
   e. Shall not be located within the Lake Auburn Watershed Overlay District.

department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:

1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
3. To the extent possible, infrastructure shall not be located on steep slopes; and
4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:

1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage along a publicly accepted street, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Sec. 60-2.

c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing less than ten acres, only if approved pursuant to Sec. 60-145(a)(1).

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:

(18) [RESERVED]

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under Sec. 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on this subsection 60-145(b)(19)(d). by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B2 with Planning Board Proposed Tax Program 5YR Amendment.

Date: August 8, 2023

I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten: Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and were followed by City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in this packet.

II. Background: On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board recommendation(included in this packet) and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes. The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B2 with the Planning Board recommended Tax Program 5YR Amendment has been proposed as separate text and hearing because it is a substantive amendment. The Amendment is summarized below and references the motion from the 6/6/2023 Planning Board Recommendation prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. Proposal B2 - Planning Board recommended Tax Program 5YR Amendment.

1. Remove "~~Currently~~" before "enrolled", capitalize the "E" in "enrolled" and add "within the last five years" after the word "Program" in Sec. 60-145(b)(vii)(a, b, c). *This is referred to as proposed change number 10, because it was the 10th amendment recommended by the Board in the 6/6/23 recommendations.*

IV. Staff Recommendation: This proposal was initiated to prevent Auburn landowners who have been utilizing the State of Maine Farmland Tax Program, the State of Maine Tree Growth Tax Program, and the State of Maine Open Space tax Program from removing land from this protection in order to build housing. We do not recommend this amendment because a result of this change may mean that someone who has been using the AGRP district as prescribed and intended could be penalized for deciding to build on this land. This

also has the potential to create a disadvantage to existing farmers and rural landowners who have used the land as the AGRP zone intended, in comparison to new landowners or those that have not used the land for agriculture, forestry or public recreation. Under this amendment, someone who has held land in any of the tax programs may not build on their land for five years, even if they meet the other requirements of the AGRP zoning district. In the absence of a five-year moratorium, landowners still need to provide a bona fide plan for farming, agricultural, recreational, or natural resource use before any residential development could occur.

V. **Suggested Motion:** I make a motion to not recommend the amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 9, 2023, Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

Proposal B-2 with Pl Bd Tax Program 5 YR Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

• • •

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that

has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. ~~Currently e~~Currently eEnrolled in the State of Maine Farmland Tax Program within the last five years; or
b. ~~Currently e~~Currently eEnrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or
c. ~~Currently e~~Currently eEnrolled in the State of Maine Open Space Tax Program within the last five years.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B3 to the AGRP Zoning Use standards - Planning Board Recommended Amendment to prohibit residences in the AGRP portions of the Taylor Pond Watershed

Date: August 8, 2023

I. **Proposal: Public Hearing/ AGRP Text Amendment (Proposal B3) Planning Board Proposed Change Number Nine:** Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone if they are also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and followed by the City Council passage of Ordinance #10-06202023 on July 10, 2023. The proposed text has been and is available in the Planning & Permitting Department in City Hall.

II. **Background:** On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their prior recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B3 is the Planning Board recommended Taylor Pond Watershed Amendment and has been proposed as separate text and hearing from the others because it is a substantive amendment. The proposed amendment is summarized below (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. **Proposal B3 with Planning Board Taylor Pond Watershed Amendment.**

1. Add "or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map;" in Sec.60-145)(b)(i) after the word "District"
   This is referred to as proposed change number nine, because it was the 9th amendment recommended by the Planning Board on June 9, 2023.

IV. **Staff Recommendation:** We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections(Phosphorus Control) are adequate in the ordinance, and it could disadvantage existing farms, recreational or natural resource

based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional. environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit. building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

V. **Suggested Motion:** I make a motion to recommend that the City Council should **not** approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

Proposal B-3 with Pl Bd Taylor Pond Watershed Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

● ● ●

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

● ● ●

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023

Author: Eric J. Cousens Director of Planning and Permitting

Subject: Minimum Dwelling Size Ordinance Amendment

Information: Currently, the existing ordinance definition requires a minimum of 700 SF of net floor space for single-family attached and detached dwelling. This ordinance has existed for at least 20 years. State Law (Chapter 219, Sec 1. 30-A MRSA §4363), has changed and requires an allowance for tiny homes of up to 400 square feet. However, this leaves a gap in the allowable size of new dwelling units, where units ranging from 401 to 699 SF are in what is considered a "void in allowance" and home sizes in that range are currently not allowed. Attached are some examples of homes below 700SF and an income and cost analysis that demonstrates the importance of this flexibility. This is a logical correction to the Ordinance in response to changes in State Law and to meet local housing goals.

City Budgetary Impacts: None. Potentially new Homes.

Staff Recommended Action: Discuss and provide any feedback prior to Planning Board Public Hearing.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance Text Change, Staff Report, Request from CDBG, Income and Housing Cost Analysis

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. ~~Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. ~~Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width ~~and are 700 or more square feet, and~~ which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

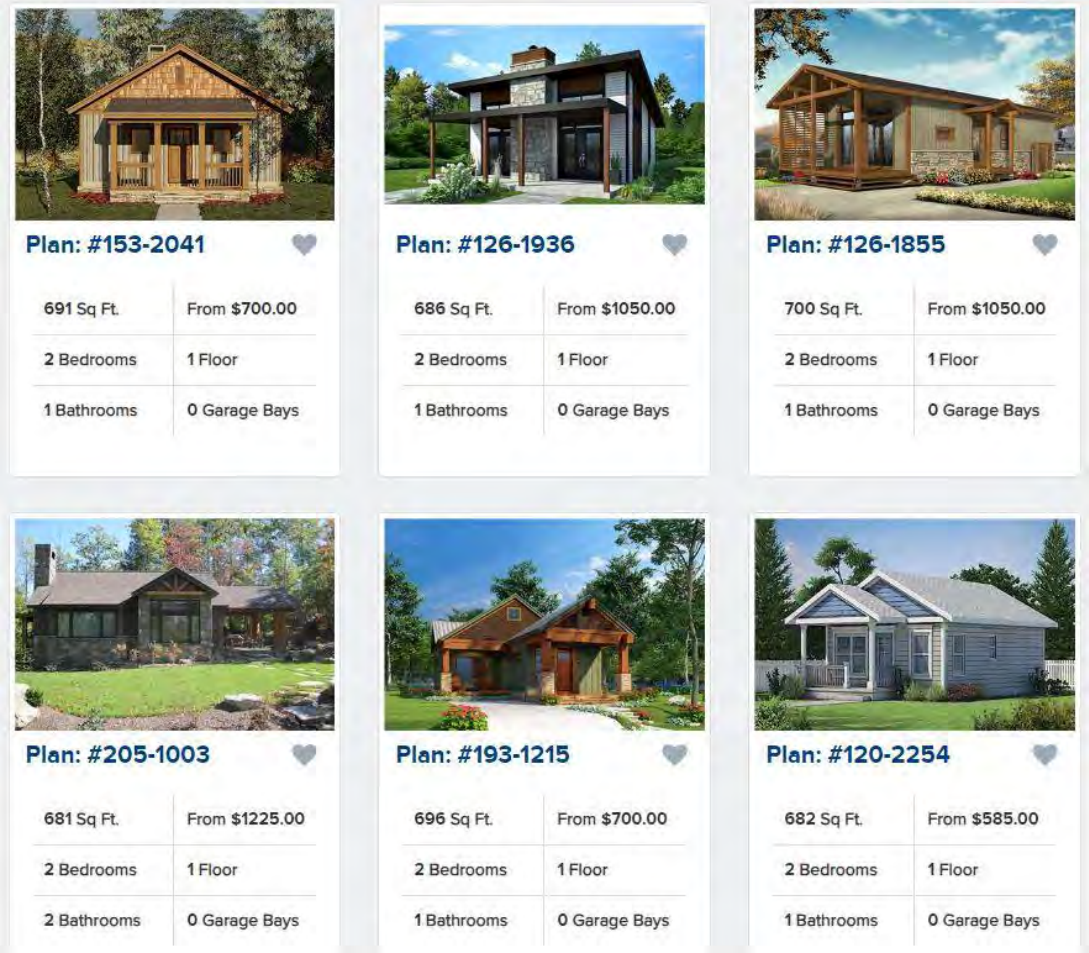
Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Workshop on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

Date: August 10th, 2022

I. **PROPOSAL**: Currently, the existing ordinance definition requires a minimum of 700 SF of net floor space for single-family attached and detached dwelling. State Law (Chapter 219, Sec 1. 30-A MRSA §4363), provides provisions for tiny homes of up to 400 square feet. However, this leaves a gap in the allowable size of new dwelling units, where units ranging from 401 to 699 SF are in what is considered a "void in allowance" and is currently not allowed. Below are some examples of homes below 700SF.



II. **PLANNING BOARD ACTION/STAFF SUGGESTIONS:** Staff suggests a planning board discuss the proposals and direct staff to prepare to hold a Public Hearing on September 12th, 2023. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed changes to drop the 700 SF requirement for minimum dwelling size for the following reasons:

1. Auburn has a minimum home size of 700sf. State Law mandates allowing smaller “tiny homes” of less than 400sf. This creates a gap where a homeowner with a 400 sf home cannot add on unless they exceed 700sf total floor area: this is illogical.
2. In January, LD2003 as a mended will require this change. This will make Auburn compliant with this element of the new State Law and allow flexibility in constructing new smaller homes.

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

May 16, 2023

Re: Proposed Amendment to Auburn Land Use Code Section 60-2 to allow for increased options for affordable housing development.

For consideration by the City of Auburn, Maine Planning Board:

I am writing to discuss current Land Use ordinances as they pertain to the development of affordable housing options in Auburn, specifically addressing the prevailing needs of low- to moderate-income residents. Our team at the Business & Community Development Department has been working closely with the Maine State Housing Authority (MSHA) and the U.S. Department of Housing & Urban Development (HUD) to create programs which support the construction of new, affordable housing which better align with prevailing community needs.

In recent years, we have observed rising construction costs and a decrease in the size of families seeking housing assistance. This has led us to recognize that the current minimum requirement of 700 square feet of net floor area for habitable space is overly restrictive for renters, developers, and homeowners interested in building environmentally friendly, efficient, and affordable homes or additional accessory dwelling units on their properties.

We have received confirmation of the unmet housing needs from various reliable sources, including the city's General Assistance, Public Health, and Housing Resource Coordinator. For example, year-to-date data provided by the Auburn General Assistance office demonstrates that 225 of the 305 cases approved this year were families requiring aid in paying for rent. This line item is already 268% higher than the previous year, with two more months left. Similarly, 91 cases were approved for utility assistance (primarily electricity) which constitutes an 827% increase from the previous year's totals. To compensate for this, many housing service providers across the state have resorted to renting out individual rooms within existing units, either informally or by offering bifurcated lease options.

Furthermore, housing developments constructed with HUD and/or MSHA funds impose limits on the maximum allowable rent that developers and property owners can charge. While this ensures affordability for low- to moderate-income residents, it presents challenges for developers to generate sufficient cash flow to sustain these projects at below-market rates without substantial low-income tax credits, TIF-funded credit enhancements, or federal subsidies. Current Fair Market Rent (FMR) caps for a 1-bedroom unit in the Lewiston-Auburn Metro Statistical area is $834 per month including all tenant paid utilities.

Recent affordable housing projects in neighboring communities are currently seeing construction costs of more than $350 per square foot. For a 600sqft 1-bedroom unit with rents capped at allowable FMR limits it would take over 20 years to break even on construction, before even

considering operational and maintenance expenses. Still, when these budgetary obstacles are overcome, local opposition to project placement often hinders the realization of even the most well-intentioned endeavors.

To address these issues and create a decentralized affordable housing development program, the Auburn Business and Community Development Department has formed a partnership with MSHA and HUD. Our goal is to promote the construction of modest-sized accessory dwelling units that are not only cost-effective but are also owned by local developers or situated on owner-occupied Auburn properties.

Currently, the existing ordinances stipulate a minimum of 700 square feet of net floor space for single-family attached or detached dwellings. State laws provide provisions for tiny homes of up to 400 square feet. However, this leaves a considerable gap in the allowable size of new dwelling units, where units ranging from 401 to 699 square feet are inherently incongruous with the current zoning standards.

Thankfully, the proposed changes that accompany this letter are both straightforward and impactful. By implementing these changes, we can facilitate the construction and occupation of a significant number of new, modest, and economical housing units for low- to moderate-income Auburn residents. Moreover, this approach to developing scatter-site affordable housing aligns with Auburn's strategic plan, which aims to create housing opportunities that integrate seamlessly with existing neighborhood conditions. It also adheres to HUD's guidance, which discourages the concentration of affordable housing projects in low-income areas and the creation of new enclaves of low-income residents.

By embracing these proposed changes, Auburn demonstrates its commitment to accommodating both existing and prospective residents, particularly by providing new affordable housing options which cater to workforce and retirement needs. These optimized housing solutions, tailored to current demands, serve as a testament to the progress made by the planning board in modernizing Auburn's zoning standards.

We firmly believe that by supporting this request, Auburn will not only align with new industry standards but also remain competitive in attracting residents and fostering a harmonious neighborhood environment. Our proposal is in complete harmony with our comprehensive plan and addresses the pressing needs of Auburn's residents.

Thank you for considering this proposal. We look forward to discussing this further and working together to make Auburn an even better place to live for all its residents.

All the best.

Zakk W. Maher
Deputy Director of Business & Community Development

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. ~~Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. ~~Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width ~~and are 700 or more square feet, and~~ which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Housing Analysis for New Home Buyer City of Auburn (2022)

Median Income	$	51,681.00				
Average Income	$	70,210.00				
Average Cost of Exisiting Homes for Sale						
35 University Street	$	239,000.00	3 Bed, 1 bath, 1 half bath, 2 car garage, small lot			
780 Garfield Road	$	314,500.00	3 Bed, 1 bath, 1 half bath, 2 car garage, small lot			
1045 S. Main Street	$	249,000.00	2 Bed, 2 bath, 2 car garage, small lot			
Average Existing (entry level) Home Cost	**$**	**267,500.00**				
Average Cost of New Stick Build and Modular Home						
Land (1 Acre)	$	55,000.00	Off S. Main Street, Lane Rd.			
Modular (No Garage)	$	230,000.00	2 Bed, 2 bath			
Total	$	285,000.00	Turn-Key			
Land (1 Acre)	$	55,000.00	Off S. Main Street, Lane Rd.			
Stick Build (No Garage)	$	296,000.00	3 Bed, 1 bath, 1/2 bath			
Total	$	351,000.00	Turn-Key			
Average New (entry level) Home Cost	**$**	**318,000.00**				
Existing Home						
Existing Home Costs	$	267,500.00				
5% Down (FHA, VA, RD)	$	13,375.00				
Amount Financed	$	254,125.00				
Average Payment Amount (Incude taxes, PMI and Insurance)	$	2,040.00				
Total Payments a Year	$	24,480.00				
Income Required (28% gross)	**$**	**87,450.00**	% over Median Income	140%	% over average Income	48%
New Home Cost						
New Home Costs	$	318,000.00				
5% Down (FHA, VA, RD)	$	15,900.00				
Amount Financed	$	302,100.00				

Note: The entry level pay for a firefighter starting wage is $45,000 plus average OT is $10,000 for a total of $55,000, police officer with OT is $65,000, teacher is $42,000. None of these jobs, which are critical to

Average Payment Amount (Incude taxes, PMI and Insurance)	$ 2,440.00	some of the most important city services could not afford to build or purchase a home in the City that they work in. A teacher and fireman living together still could not make the purchase work.				
Total Payments a Year	$ 29,280.00					
Income Required (28% gross)	**$ 104,600.00**	% over Median Income	204%	% over average Income	99%	

Housing Analysis for New Home Buyer City of Auburn (2023)		
Median Income	$ 51,681.00	**Under 700 SF**
Average Income	$ 79,674.00	
Average Cost of Exisiting Homes for Sale		
10 Old Carriage Road Unit 7	$ 280,000.00	2 Bed, 1 bath, 1/2 half bath, 1 car garage, Condo
36 Colonial Way Unit 36	$ 250,000.00	2 Bed, 1 bath, 1 half bath, 1 car garage, Condo
42 Loring Avenue	$ 375,000.00	3 Bed, 3 bath, small lot
Average Existing (entry level) Home Cost	**$ 301,666.67**	
Average Cost of New Stick Build and Modular Home		
Land (8.7 Acre)	$ -	
Modular (No Garage)	$ 213,520.00	2 Bed, 1 bath
Total	$ 213,520.00	Turn-Key
Land (1 Acre)	$ -	
Stick Build (No Garage)	$ 207,400.00	2 Bed, 1 bath
Total	$ 207,400.00	Turn-Key
Average New (entry level) Home Cost	**$ 210,460.00**	
New Home Cost		Note: The entry level pay for a firefighter starting wage is $45,000 plus average OT is $10,000 for a total of $55,000, police officer with OT is $65,000, teacher is $42,000. None of these jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the City that they work in. A teacher and firefighter living together **now** could make the purchase work.
New Home Costs	$ 210,460.00	
5% Down (FHA, VA, RD)	$ 10,523.00	
Amount Financed	$ 199,937.00	
Average Payment Amount (Incude taxes, PMI and Insurance)	$ 1,796.00	
Total Payments a Year	$ 21,552.00	

Income Required (28% gross)	**$ 78,000.00**	% over Median Income	66%	% below average Income	2%

Housing Analysis for New Home Buyer City of Auburn (2023)

Median Income	$	51,681.00				
Average Income	$	79,674.00				
Average Cost of Exisiting Homes for Sale						
10 Old Carriage Road Unit 7	$	280,000.00	2 Bed, 1 bath, 1/2 half bath, 1 car garage, Condo			
36 Colonial Way Unit 36	$	250,000.00	2 Bed, 1 bath, 1 half bath, 1 car garage, Condo			
42 Loring Avenue	$	375,000.00	3 Bed, 3 bath, small lot			
Average Existing (entry level) Home Cost	**$**	**301,666.67**				
Average Cost of New Stick Build and Modular Home						
Land (8.7 Acre)	$	125,000.00	87 Par Four Lot			
Modular (No Garage)	$	265,000.00	2 Bed, 2 bath			
Total	$	390,000.00	Turn-Key			
Land (1 Acre)	$	60,000.00	Off S. Main Street, Lane Rd.			
Stick Build (No Garage)	$	305,000.00	3 Bed, 1 bath, 1/2 bath			
Total	$	365,000.00	Turn-Key			
Average New (entry level) Home Cost	**$**	**377,500.00**				
Existing Home						
Existing Home Costs	$	301,666.67				
5% Down (FHA, VA, RD)	$	15,083.33				
Amount Financed	$	286,583.34				
Average Payment Amount (Incude taxes, PMI and Insurance)	$	2,405.00				
Total Payments a Year	$	28,860.00				
Income Required (28% gross)	**$**	**103,000.00**	% over Median Income	203%	% over average Income	98%
New Home Cost			Note: The entry level pay for a firefighter starting wage is $45,000 plus average OT is $10,000 for a total of $55,000, police officer with OT is $65,000, teacher is $42,000. None of these jobs, which are critical to some			
New Home Costs	$	377,500.00				
5% Down (FHA, VA, RD)	$	18,875.00				
Amount Financed	$	358,625.00				

Average Payment Amount (Incude taxes, PMI and Insurance)	$ 3,100.00	of the most important city services could not afford to build or purchase a home in the City that they work in. A teacher and fireman living together still could not				
Total Payments a Year	$ 37,200.00					
Income Required (28% gross)	**$ 133,000.00**	% over Median Income	204%	% over average Income	99%	

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023

Author: Eric J. Cousens Director of Planning and Permitting

Subject: Planning Board Recommended T4.2B Ordinance Text and Zoning Map Amendments Overview

---

Information: At the July 8, 2023 Planning Board Meeting the Board made recommendations on Ordinance text and Zoning Map amendments for the T4.2B Zoning District. They are summarized as follows:

ZONING TEXT AMENDMENT/ PETITION: The Planning Board considered a proposed text change to Sec. 60-548B-Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2013. The Planning Board recommended that this change should not be approved by the City Council. Staff and Legal Counsel proposed amended language that was reviewed as part of the next item that incorporates the intent of the petition proposed change with some modifications. The recommended modifications include replacing the word "shall" with "may", the intended retroactivity was not included, the text was reinforced/supported with amended diagrams and there were other changes incorporated into a larger amendment. To achieve the broader changes it was handled as a separate item below.

FORM BASED CODE TEXT AMENDMENT/PLANNING BOARD INITIATED: The Planning Board consider a proposed text change for Sec. 60-548B, T-4.2B including 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. See attached staff report and Ordinance Text for details.

FORM BASED CODE ZONING MAP AMENDMENT/COUNCIL INITIATED: Expansion of T4.2B zoning district and Conservation Open Space Districts to include additional areas as shown on the attached maps and further described in the attached staff reports. Areas include: A1: Planning Board recommends Approval; Area A2: Planning Board does **not** recommend approval; Area B1&B2: Tabled for consideration of an expanded area at the September Planning Board Meeting; Area C: Planning Board recommends Approval; Area D: Planning Board recommends Approval.

Staff will be available to provide an overview, take feedback and answer questions.

City Budgetary Impacts: None.

Staff Recommended Action: Discuss and provide any feedback prior to Public Hearings at the 9/5/2023 CC Meeting.

Previous Meetings and History: None for these changes.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Ordinance Text Change, Staff Reports, Zoning Maps, Income and Housing Cost Analysis

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210 www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report: Petition to amend T-4.2B zoning text
Date: August 8th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and subsequently tabled by the Planning Board to a date certain (August 8th, 2023) on the July 11, 2023 Planning Board meeting. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.

II. Background: Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A) Zoning map and text changes may be appropriate where the serve to support the goals of the Comprehensive Plan.

Staff currently understands that front setbacks in T-4.2B zoning districts may be measured from shared accessways, private ways, and shared parking areas. This petition seeks to clarify this understanding by adding the underlined language to Sec. 60-548B as follows: "Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of the principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. **Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.**"

This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots.

In the petition's explanation, the circulator intends for the added language confirming setback interpretation to be applied to the approval of past projects to this point, and notwithstanding M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects. Staff acquired legal counsel on the intention for this language change to apply retroactively, and as such, recommends that the Board not consider retroactive because the language was not included in the petition for the amendment to change the text in the asterisk (*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B.

Planning Board Action: Staff suggests planning board forward a negative recommendation to Council on the proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and recommend that they not consider the retroactive language suggested in the description of the petition.

III. Suggested Reasons and Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, Text with public Notice, on June 12, thus meeting submission standards (Sec. 60-1446).
2. The text amendment is consistent with the current comprehensive plan and the intent of the existing ordinance text and diagrams.
3. The text and intent of the petition can be clarified in a different way and the Board will review that later this evening.

V. Suggested Motion: I make a motion to recommend that the Council not amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023.

East Auburn – Citizens' Petition

REZONING PETITION

MUNICIPALITY Auburn TOTAL VALID 38 TOTAL INVALID 5

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 6/12/2023 Signature of Registrar: Susan F. Pepin

DATE & TIME PETITION RECEIVED
6/12/2023
1:42

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Ordinance to add clarity. The proposed change includes an amendment to change the text in the asterisk (*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B . *Front Setback, Principal* for Traditional Neighborhood T-4.2B to add the underlined language as follows

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	5 ft. Min/, 25 ft. Max*	(A)
(Corner Lot) Front Setback, Secondary:	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian access way or parking area.

Explanation: One of the primary tests of a zone change is its conformance with the Comprehensive Plan. GROWTH AREAS Type A [Residential] The Traditional Neighborhood Development (TND) District requires that new development be designed to minimize the number of vehicular access points to existing collector or other roads; shared driveways are encouraged; and dimensional standards be established that relate to the size and width of the lot. A copy of that Comprehensive Plan section is attached and marked as Exhibit A. The City has adopted the T-4.2B zoning district to meet the goals of the TND District in the Comprehensive Plan by encouraging the use of shared driveways and limiting vehicular access points to Collector roadways, the new Ordinance was intended to allow for front setbacks in the T-4.2B district to be measured from Access Ways and Parking areas on internal, shared access points. This amendment clarifies the existing text to advance the shared access point objectives of the Plan; confirms the interpretation of the dimensional requirements of the T-4.2B zoning district adopted by the planning board in its approval of projects to date; and notwithstanding 1 M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects.

25

Print Name	City of Auburn Legal Address	Signature
Patricia Coulombe	19 AQUAMARINE Ct.	Patricia Coulombe
LORRAINE CÔTE	527 Merrow Rd, Aub.	Lorraine Côté
ROLAND BERGERON	527 MERROW RD AUB	Roland Bergeron
Rebecca J. Cote	465 Merrow Rd Auburn	Rebecca J. Cote
RAYMOND MARCHESSAULT	90 HOWARD AVE. AUB, ME	
DIANE H. DENNIS	40 ROYAL OAKS DR. AUB, ME	Diane H. Dennis
ROGER MOREAU	588 LAKE ST AUBURN ME 04210	Roger Moreau
Anita L. Moreau	588 Lake St. Auburn, Me. 04210	Anita L. Moreau
RAY BIRON	124 Broadview Ave Me 04210	Ray Biron
Shirley Biron	124 Broadview Ave Me 04210	Shirley Biron
Paul R. Morin	16 CLIFF ST. Auburn 04210	Paul R. Morin
Maureen A. Morin	16 Cliff St Auburn 04210	Maureen A. Morin
RONALD PEYSER	19 DEERFIELD DR. AUBURN 04210	
REX Anthony Norris	503 Auburn, ME Park AVE 04210	Rex Norris
Mary Tucker	6 Rosewood RD. Auburn, ME	Margaret Tucker
Gerry Tucker	6 Rosewood RD. Auburn ME	Gerard M. Tucker
Ronald Vaillancourt	470 Merrow Rd, Auburn ME	
MARK VAILLANCOURT	470 MERROW RD, AUBURN, ME	Mark Vaillancourt
Donald Weeks	852 Washington St Auburn me	
Pauline Perrier	150 Mill St. Auburn, ME	Pauline Perrier
Diane Caron	204 Bowdoin St	Auburn, ME
CAROL DeROY	68 Aquamarine Ct.	Carol DeRoy
London Morrissette	81 Briarcliff knoll, Auburn, ME	
DORIS MARCHESSAULT	81 BRIARCLIFF KNOLL, AUBURN, ME	Doris Marchessault
Jessica Klimek	81 Briarcliff Knoll, Auburn ME	
ASHTON MORRISSETTE	81 BRIARCLIFF KNOLL, AUBURN ME	Ashton Morrissette

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I CAROL DeROY
of 68 Aquamarine Ct., Auburn, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted. _____

Signature of Circulator

Carol A. DeRoy

Printed Name CAROL DeROY

Subscribed to and sworn before me on this date June 10, 2023 (Date must be completed by Notary)

Mitzie A. Turnbull

Signature of Notary

Mitzie A. Turnbull Printed Name

Date my Notary Commission expires: March 2, 2028

MITZIE A. TURNBULL
Notary Public - Maine
My Commission Expires Mar 2, 2028

Print Name	City of Auburn Legal Address	Signature
Gavin M. [illegible]	6 Canter Court Unit 12	
Donna Desjardins	6 Canter Ct Unit 8	Donna Desfardins
John Desjardins	6 Canter Ct Unit 8	
Karen Burschick	15 Belmont Ct Unit 2	
Derek Marineau	16 Belmont Ct Unit 11 Auburn, ME 04210	
Kim Demo	8 Belmont Ct, Unit 6 Auburn, ME 04210	
Karen Michaud	16 Belmont Ct #7 Auburn, ME 04210	
Terese Lemelin	15 Belmont Ct #7 " " 04210	
Jennifer Fournier	70 Gillander Ave Auburn, Me 04210	
Michael Fournier	70 Gillander Ave Auburn ME 04210	
Abigail Prosser	70 Gillander Ave Auburn, ME	
Jordan Cummings	999 Pownal Road Auburn, ME	
Austin Fournier	70 Gillander Ave Auburn ME	
Latoria Tomlinson	8 Belmont Court #1 Auburn ME	
Alyssa Labbe	8 Belmont Court #1 Auburn ME	
Timothy Burge	16 Belmont Ct #1 Auburn, Me 04210	
Randy Robbins	114 Fish Hatchery Rd Auburn	

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Abigail Prosser
of Auburn, ME, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted. Abi Pro

Signature of Circulator

Abigail L. Prosser

Printed Name

Subscribed to and sworn before me on this date 06/09/2023 (Date must be completed by Notary)

Signature of Notary

MATTHEW WILLARD

Printed Name

MATTHEW WILLARD
Notary Public - Maine
My Commission Expires Oct 4, 2023

Date my Notary Commission expires: 10/04/2023

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Jessica Klimek
of Auburn, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted.

Signature of Circulator

Jessica Klimek

Printed Name

Subscribed to and sworn before me on this date 06/10/2023 (Date must be completed by Notary)

Signature of Notary

Sequoia Hoinsky Printed Name

Date my Notary Commission expires: September 19, 2029

SEQUOIA HOINSKY
NOTARY PUBLIC
State of Maine
My Commission Expires
September 19, 2029

Exhibit A

In addition to the Future Land Use Map, four detail maps ([redacted]) show the future land use designations for specific portions of the community, including Downtown, New Auburn, Minot Avenue, and Center Street.

FUTURE LAND USE PLAN VISION STATEMENT:

As a model of carefully managed growth, Auburn seeks to **grow outward from the historic cores within our city** and be known for its **strong, vibrant neighborhoods**. The city is committed to making careful, effective, and **efficient use of land and corresponding services, while strengthening the character of our neighborhoods**, ensuring that resources exist to maintain and enhance the quality of life for current and future residents. Auburn's continued commitment to **strong community connections**, embracing opportunity, and mindful growth should be **balanced with natural resource conservation** and woven into the city's unique identity.

1. GROWTH AREAS –

Type A: Development Areas
Designation: Residential

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water ([redacted]). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update ([redacted]). The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should

be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

SUBURBAN DEVELOPMENT DISTRICT (SD)

Objective – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water (see Figure 2-5). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Suburban Development District generally follows the boundaries of the Multifamily Suburban and Suburban Residential Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Suburban Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Recreational Uses of Land
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 8 units per acre with no minimum road frontage required, shared driveways are encouraged. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-20 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

Designation: Nonresidential and Mixed Use

FORM-BASED CODE DEVELOPMENT DISTRICT (FBCD)

Objective – Stabilize and promote continued investment in the City's high-density neighborhoods which include a mix of housing types including multi-unit buildings to assure that they remain safe, attractive areas in which residents want to live (see Figures 2-3 and 2-4). To this end, the district should allow property owners to upgrade their properties, and for infill development and redevelopment/reuse to occur, as long as it is compatible with the character of the neighborhood.

Allowed Use – The Form-Based Code Development District generally follows the boundaries of the Form-Based Code (Transects 4.1, 4.2, 5.1, 5.2 and 6), in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Form-Based Code Development District:

- Low and High Density Residential Dwelling Units
- Home Occupations
- Civic Uses
- Office/Service Type Uses
- Retail Type Uses

Development Standards – The reuse/reconfiguration of existing buildings for residential purposes should be allowed without consideration of density/lot size requirements, provided that

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

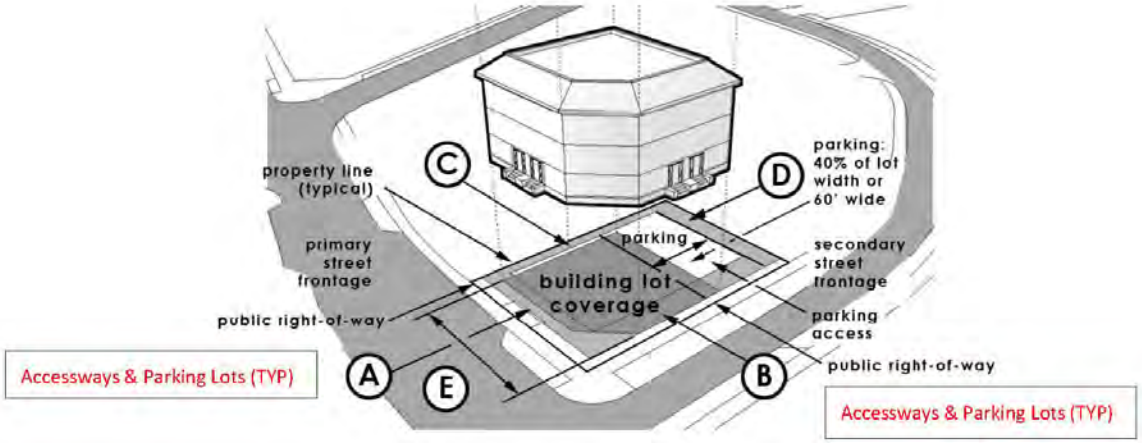
The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

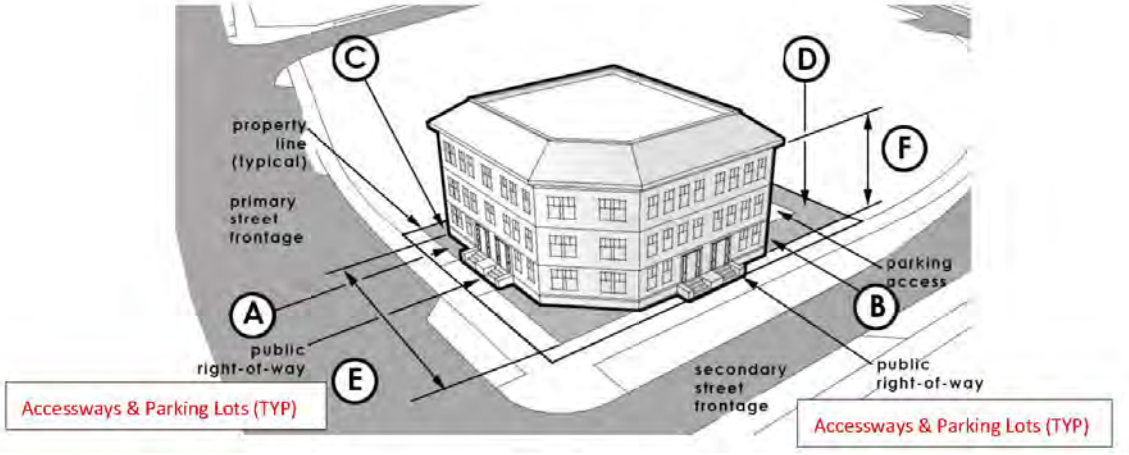
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



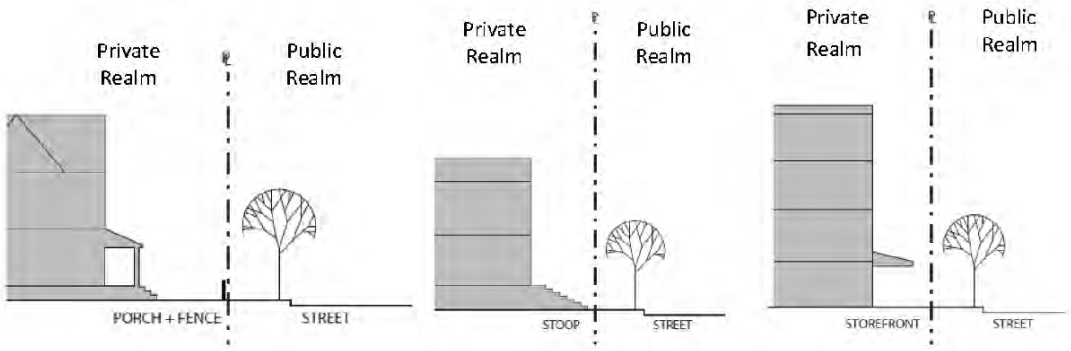
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.3. External elements T-4.2B.

Front yard fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

Staff and Planning Board Recommended Text Amendment T4.2B

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report: Staff Recommendation Text Amendments to T-4.2B to Add Clarity
Date: August 8th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B.

II. Background: Staff currently understands that additional clarity is desired for the text of the T-4.2B Zoning District. The current text of the T-4.2B form-based codes does not differentiate between residential single-family homes, development of small infill lots and special exception/subdivision development of larger lots. Some clarification is recommended that effects frontage buildout, setback measurements and general clerical items.

Staff suggests that the Board consider language similar to the previous petition in addition to amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration to decrease the minimum frontage buildout for residential lots. The proposed language and changes are attached. Staff recommends that the Planning Board hold a Public Hearing, and vote on the amendments to the zone.

Planning Board Action: Staff suggests planning board hold a public hearing and vote to recommend approval of the ordinance amendments(attached).

III. Suggested Reasons and Finding of Fact:

1. The text amendment is consistent with the current comprehensive plan.
2. The proposed text amendment clarifies the intent of the existing ordinance and encourages shared access ways for multiple buildings to minimize curb openings on public streets.
3. The amendment modifies the T4.2B text to allow additional flexibility and simplify permitting for one and two-family homes.

V. Suggested Motion: I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

1) Sec. 60-548B- 1. Intent and Purpose “setback”,

2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,

3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.

4) Amendment to the note (*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(As shown in the attached Ordinance Amendment Document)

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose: Traditional Neighborhood (T-4.2B)

The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Illustrative View of T-4.2B

Sec.60-40(b) Table update

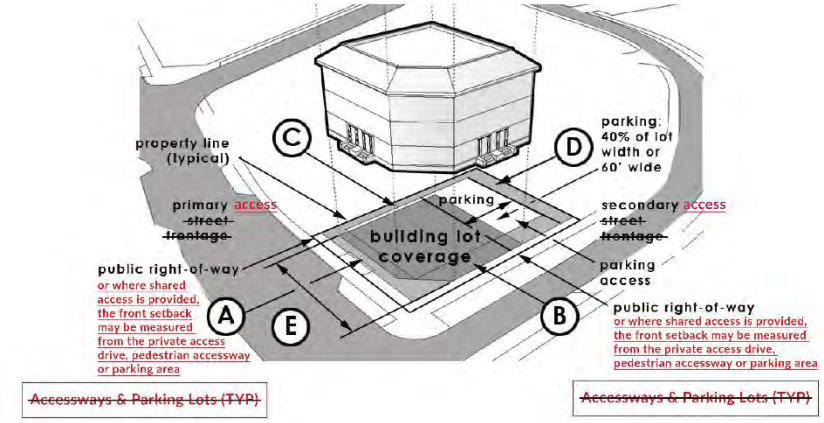
Characteristic Features

- More public and private realm interaction
- Front facade detailing
- Small front yards

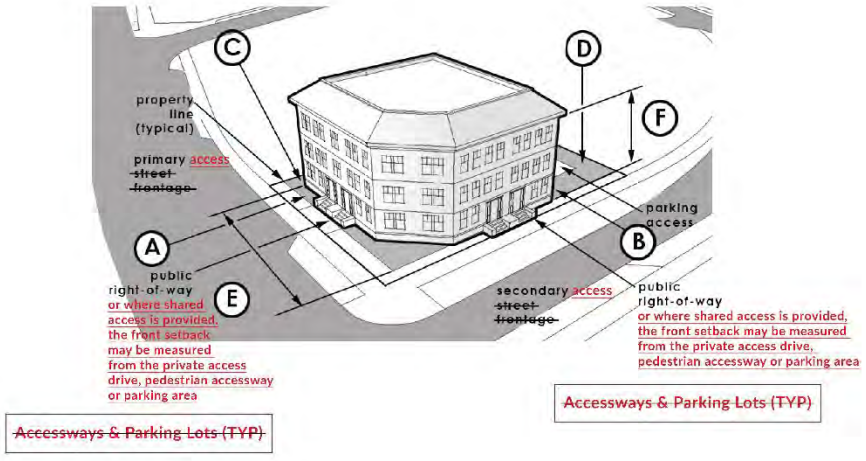
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



Building Placement on Lot

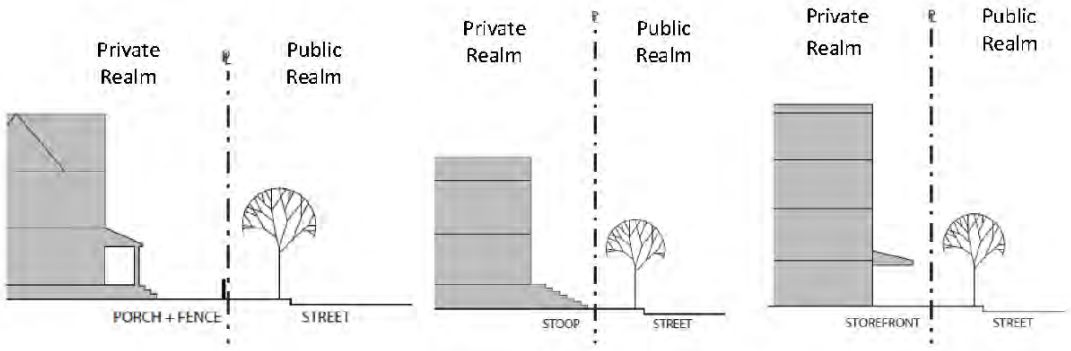
PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)

(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary) for commercial and multi-family uses and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential with one or two units – No minimum and maximum window and door area applies. Residential with three or more units - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a

	minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Residential structures with one or two units - No minimum and maximum window and door area applies. Residential structures with three or more units and Commercial- Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-4. Zoning districts.

(a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.

(b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
Form Based Code Regulating Plan:		
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	T-4.1
Traditional Neighborhood (Transect 4.2B)	Residential/Commercial	T-4.2B
Traditional Downtown Neighborhood (Transect 4.2)	Residential/Commercial	T-4.2
Downtown Traditional Center (Transect 5.1)	Residential/Commercial	T-5.1
Downtown City Center (Transect 5.2)	Residential/Commercial	T-5.2
Great Falls Metropolitan (Transect 6)	Residential/Commercial	T-6
Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	MHO

(Ord. of 9-21-2009, § 1.2; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 56, 3-15-2021)

Zoning Map Amendment
Area A1

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

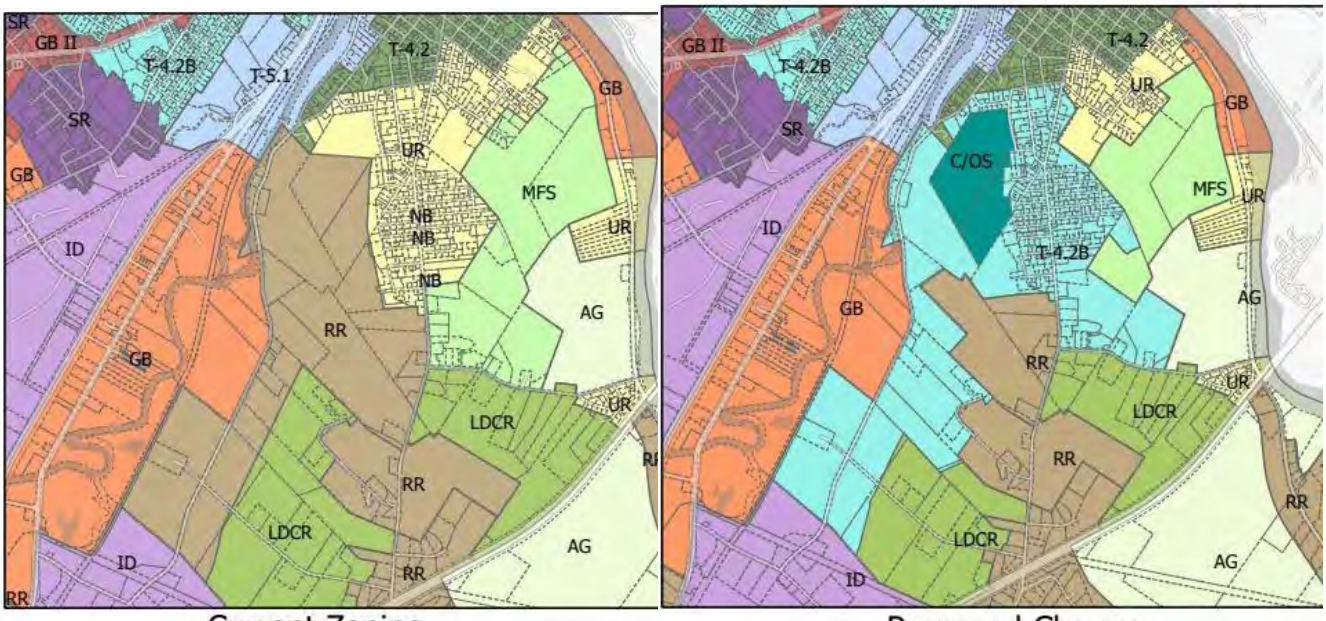
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A1

Date: August 8, 2023

I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A1: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.



Current Zoning | Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four Areas, A-D, across the city.

The July 11, 2023 meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. "Area A" as presented on July 11 has been divided into 'Area A1" and "Area A2". Since portions of the area are more controversial than others, this makes it possible to decide on the two portions individually as shown on the proposed zoning maps.
2. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
3. Two parcels, Sherwood Forest, and the adjacent parcel owned by Androscoggin Land Trust are proposed to be changed to a Conservation Open Space zone to reflect their public use and to make it clear that they are not available for T-4.2B development.

III. **Traditional Neighborhood Development District:** *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the

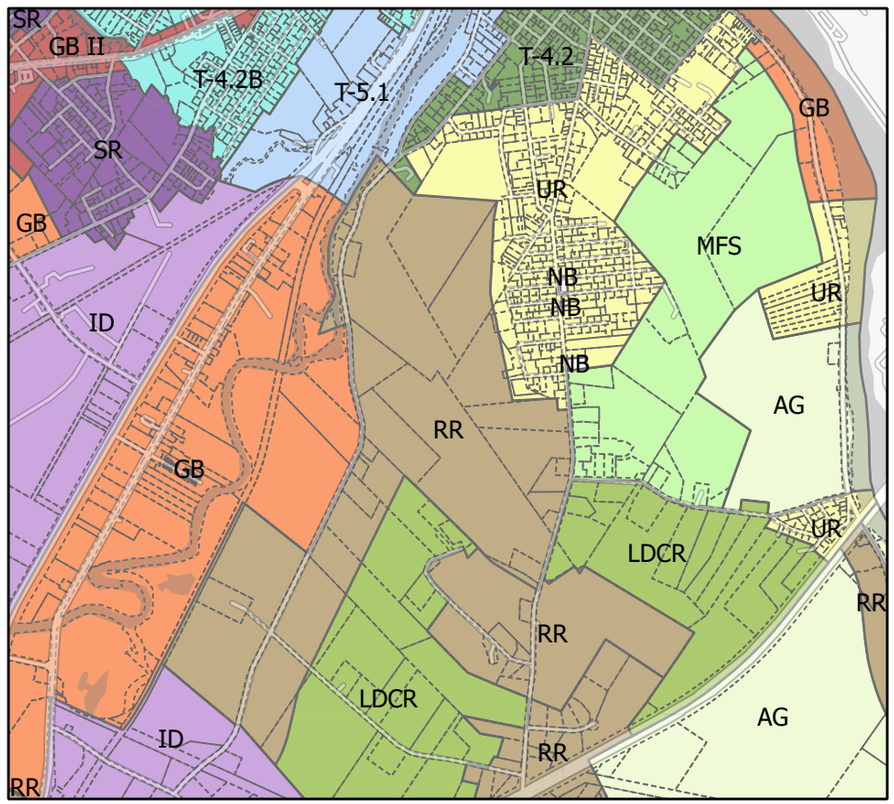
size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Suggested Findings, Reasons and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B and Conservation Open Space as shown on the attached proposed zoning map (Area A1) with the following suggested findings:

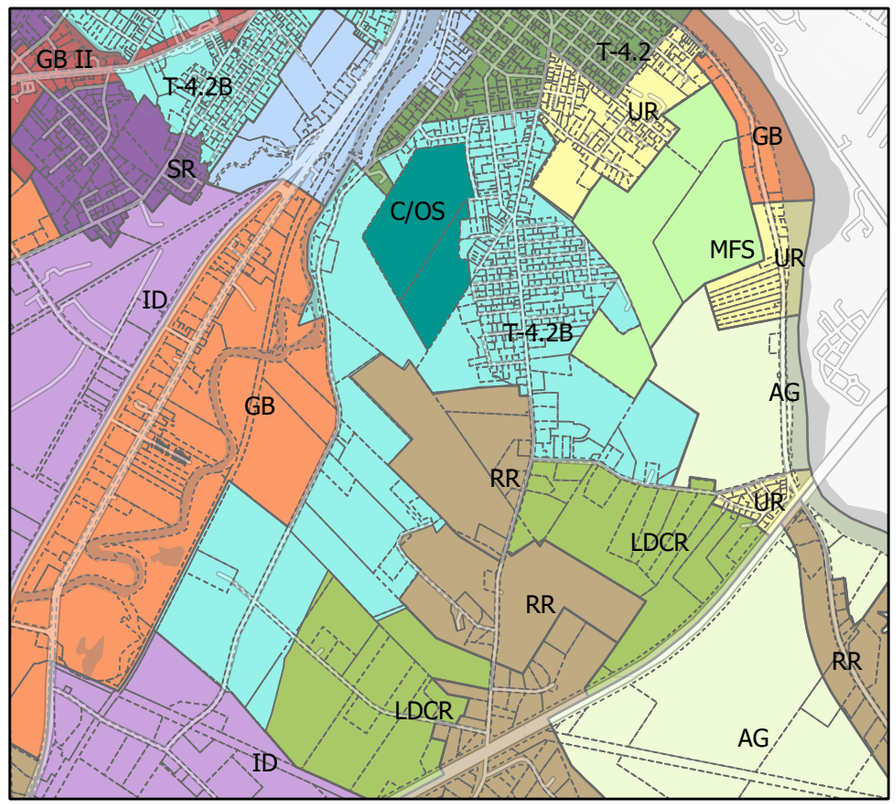
1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A1 Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A1 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks as proposed alleviates this challenge.
9. The current zoning in Area A1 only allows single-family and two-family homes, limiting housing affordability, production and who can live in Auburn's neighborhoods. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many people. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

V. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1).

Area A1



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

Appendix A: Transportation Goals: This applies to Area A1, A2, Area B1 & B1. Future plan regarding Washington Street also connect to Area C.

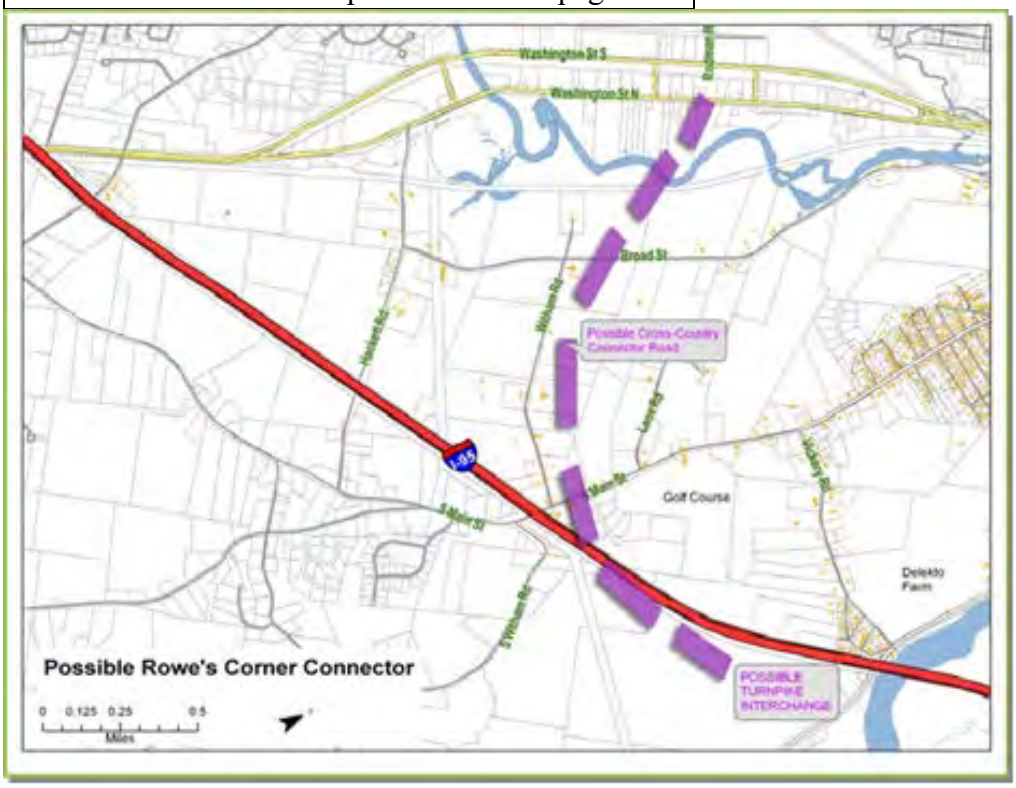
"Goal G.1: Auburn supports real-estate growth patterns that fully utilize the utility of all road networks in the city, making necessary additional connections between road networks to advance this goal…"

1. The full utility of the Maine Turnpike and Washington Street have not been integrated into residential growth patterns in Auburn. Previous efforts to integrate the Turnpike focused on industrial/commercial growth, which is no longer recommended in the Comprehensive Plan.
2. The New Auburn area is dominated by streets running north to south with limited east to west connections. The Little Androscoggin and Androscoggin Rivers have driven that development history and the Comprehensive Plan specifies recommendations to establish broader east-west connectivity. Developing a grid network as projects are proposed under site plan review will allow for priority streets to serve both local uses and regional mobility and keep through traffic out of neighborhoods.
3. Developing a connected grid of streets will need to be part of site plan review to avoid creating congestion and safety issues in key areas of New Auburn village and Danville.

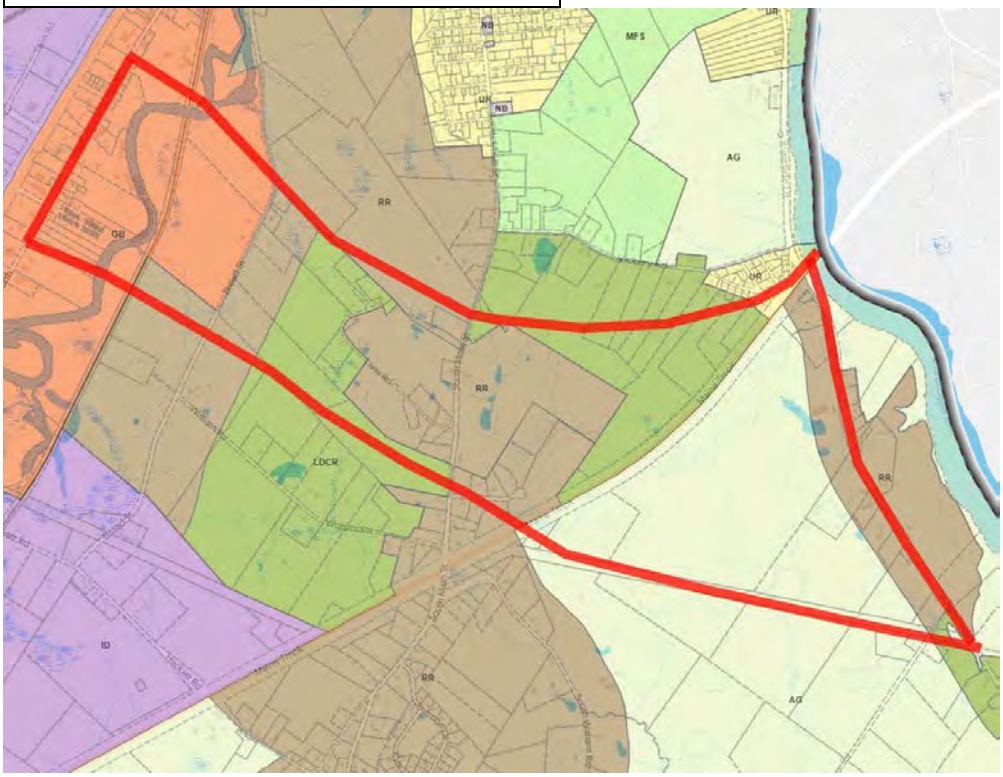
"Goal G.2: Auburn has a well-designed–and functioning road network that safely and equitably moves all manner of users (cars, buses, bikes, and pedestrians) into and through the community while expanding traditional residential neighborhood growth patterns in Danville and New Auburn. Expansions in neighborhood growth are in keeping with traditional transportation network patterns, such as interconnected streets that provide multiple travel patterns, avoiding a rigid hierarchy of streets."

1. Additional residential growth at the densities already in place in the core neighborhood will have an impact on the existing road network in New Auburn. Implementing this comprehensive plan goal is done through increased density allowed in zoning and the establishment of an interconnected street grid, over time, resembling the existing built area.
2. Expansions in transportation capacity, such as connector roads or highway interchanges, are difficult to permit if the goal is "sprawl repair" due to haphazard road layout and inefficient use of land for community growth.
3. New capacity, linked to providing for regional mobility and a protection of neighborhood and village street grids, does provide a strong foundation for pursuing state/federal permitting.

Possible Connector- Comprehensive Plan page 51



Possible Connector Protection Corridor



FREQUENTLY ASKED QUESTIONS

FORM-BASED CODE The Form Based Code Institute defines a form-based code as "a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation."[2] The purpose of implementing form-based code is to provide equitable access to housing in walkable neighborhoods by allowing residential uses at a density driven by the form, lot size and configuration of the lot with less minimum road frontage required and shared driveways encouraged. Form-based code regulates the physical form of the built environment using transects, which are the standardized categories that describe the range or continuum of development types; from T-1 Natural Areas to T-6 Urban Core or City Center with an additional category designated for other uses. Form-based code offers an alternative to traditional zoning laws which separate where we live from where we work, learn, shop, play, and gather. By strictly regulating the setbacks and types of housing, units are built further apart resulting in greater reliance on roads. As an alternative, form-based code promotes walkability by reducing the separation between private and public realms of life. Auburn's form-based code proposes six types of form-based code districts, T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6. These districts range from least urban to most urban. T-4.2B is characterized as the Traditional Neighborhood Development District or General Urban Zone.

How would T-4.2B affect my neighborhood?

Building by form as regulated in T-4.2B will differ based on where you live and the existing neighborhood form. Most city lots are small and already built on, likely limiting additional development to infill housing opportunities and freedom for property owners to add additional units or make improvements to existing homes. Each landowner can decide whether to make changes to their property based on the ordinances and the existing conditions. In general, this zoning opens opportunities for landowners to add value to their property.

Would higher density in the city core make the traffic worse? Adding more housing, though may add more vehicles to the road in the short term, will allow the city to fund projects to improve current road conditions, and invest in improving circulation patterns throughout the city. Increasing density will also make Auburn a more viable location to extend pedestrian and bicycle infrastructure, local public transit, and especially commuter transportation to and from nearby metro areas like Boston, Portland, and more.

Form based code encourages building closer to the street, creating the illusion of narrower roadways which are proven to slow down vehicles. This zoning encourages and supports safe pedestrian traffic, over time also decreasing reliance on vehicles.

More units will mean more kids who need education. Will T-4.2B make this worse for already strained educators?

Applying form-based code could improve the state of Auburn's schools. Over the past several years, students enrolled in Auburn public schools have been stagnant and falling. Fairview can absorb another 100 students, Walton can absorb another 150, and East Auburn is close to capacity but could absorb about 20 more students. Altogether, the district could absorb up to 500-600 more students.

A reliable marker for determining enrollment trends in schools is the rate of preschool enrollment. Superintendent, Dr. Connie Brown, noted in 2022 that preschool enrollment has been decreasing over the past several years resulting in needing to close Walton Preschool and reducing the hours of East Auburn preschool. She noted that there are other schools that may need to close if they cannot increase enrollment.

The school district can, and in some cases will need to absorb more students, though it is also struggling with attracting and retaining teachers. The recommended monthly house payment is 28% of a person's income. The entry level pay for a teacher is $42,000.00, a firefighter starting wage is $45,000.00 plus average OT is $10,000 for a total of $55,000.00, and a police officer with OT is $65,000.00. The average price of an existing, entry level home is $267,500.00 and the average cost of a new entry level home is $318,000. Based on the 28% recommendation, a person would need to make $87,450.00/ year to afford an existing entry level home, and 104,6000.000/year to afford a new entry-level home. People working the above noted jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the city that they work in. A teacher and fireperson living together still could not afford a single-family home in the city where they work. Dr. Brown stated that her number-one reason for teacher resignations is that they found another job closer to where they live. Housing options need to reflect different families and individuals' lifestyles and incomes.

How might new zoning affect the housing crisis?

In his article, "3 Zoning changes that Make Residential Neighborhoods More Affordable", Founder and Director of the Urban Sustainability Accelerator and Institute for Sustainable Solutions at Portland State University, Robert Liberty, identified eliminating single-family-residential-only zoning as an important factor to make residential neighborhoods more affordable. Multifamily housing is outlawed in about 75% of the country which poses a significant barrier for low to middle income residents by reinforcing housing segregation and increasing reliance on cars.

Form-based code allows mixed uses and businesses among homes. What does this mean? What can I expect?

T-4.2B will allow uses other than single family including small businesses with a residential unit on the same parcel. Businesses shall not be over 1,500 square feet. Drive-through restaurants are not allowed in T-4.2B and cannabis shops are also prohibited. There are some businesses that

will be prohibited, and most will require Special Exception Approval from the Planning Board, with Public Notice and Hearing, depending on the size and type.

WHY CONSIDER APPLYING FORM BASED CODE TO THESE FIVE AREAS:

1. The proposed zone change will **increase housing opportunity** for more people by lowering barriers to finding housing. Auburn's housing supply is limited and is not increasing fast enough to accommodate both current residents and those who want to call Auburn home. Housing scarcity drives up prices and increasing the supply of housing will lower the cost overtime.
2. The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young families, empty nesters, older adults and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community be allowing neighbors to live close to and among each other.
3. Current traditional zoning laws tend to separate where we live from where we work, learn, and shop and force us to center roads over all other aspects of city design. These roads, as they are today, are dangerous to pedestrians and cyclists. We have an over-reliance on cars and Auburn's form-based code is meant to provide an alternative. T-4.2B **encourages walkability** by allowing uses that are not exclusively residential in moderately dense urban environments. There will not be walkability if there is nowhere to walk to. Encouraging infill and small business growth encourages walkability by giving folks spaces to walk to. Suburban sprawl as it exists limits transportation to folks who have a car and assumes that there will be little to no walking. It champions cars and roads over people and centralized communities.

T4.2B Map Zoning Amendment
Area A2

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

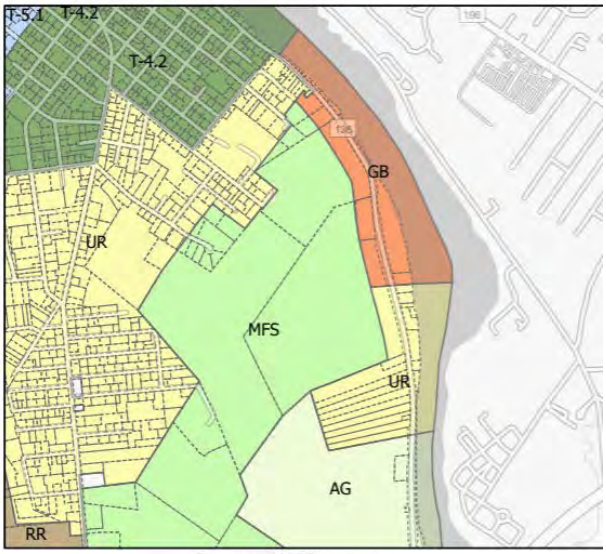
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

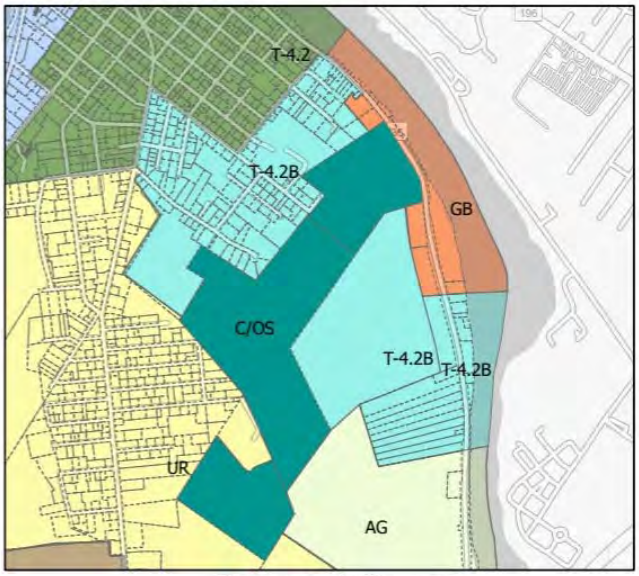
Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A2

Date: August 8, 2023

I. **Public Hearing/ Zoning Map Amendment/ T-4.2B Area A2:** Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.



Current Zoning



Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city. The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of

the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. "Area A" as presented on July 11 has been divided into 'Area A1" and "Area A2".
2. Area A2 is located near Mary Carroll St., Seventh St., to South Main St., and Loring Ave., where area A2 and A1 meet.
3. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
4. Three parcels, Huston Field, and the adjacent parcel owned by Androscoggin Land Trust, and Oak Hill Cemetery are proposed to be rezoned to Conservation Open Space to reflect their public/neighborhood use.

III. Traditional Neighborhood Development District: *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Transportation Goals*: See Appendix A.*

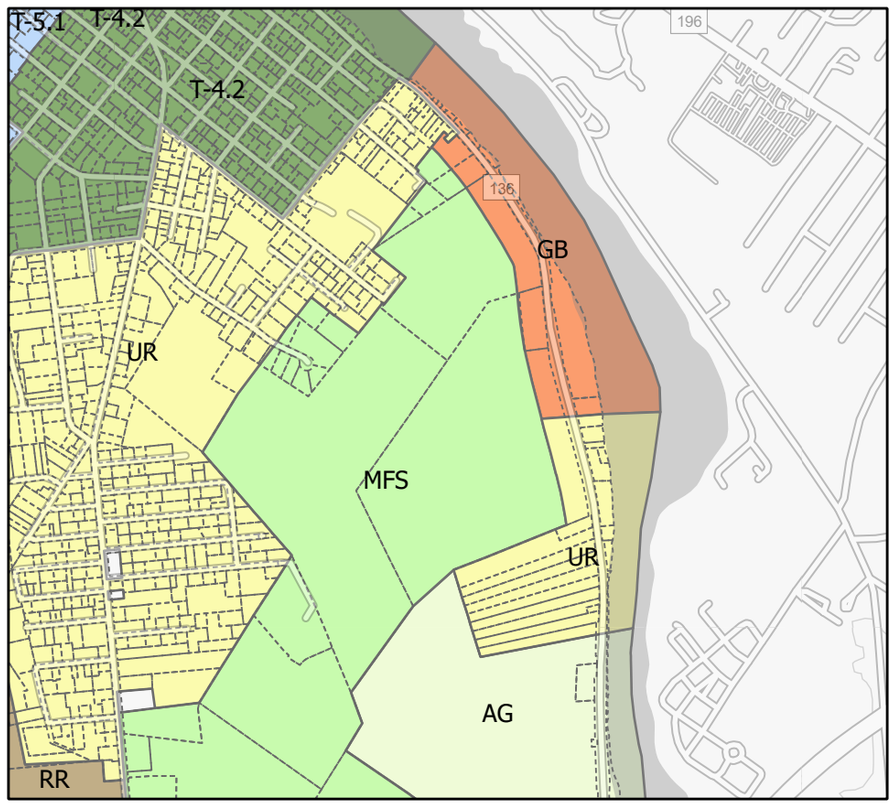
V. Suggested Reasons, Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A2 Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A2 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks alleviates this challenge.
9. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003, and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

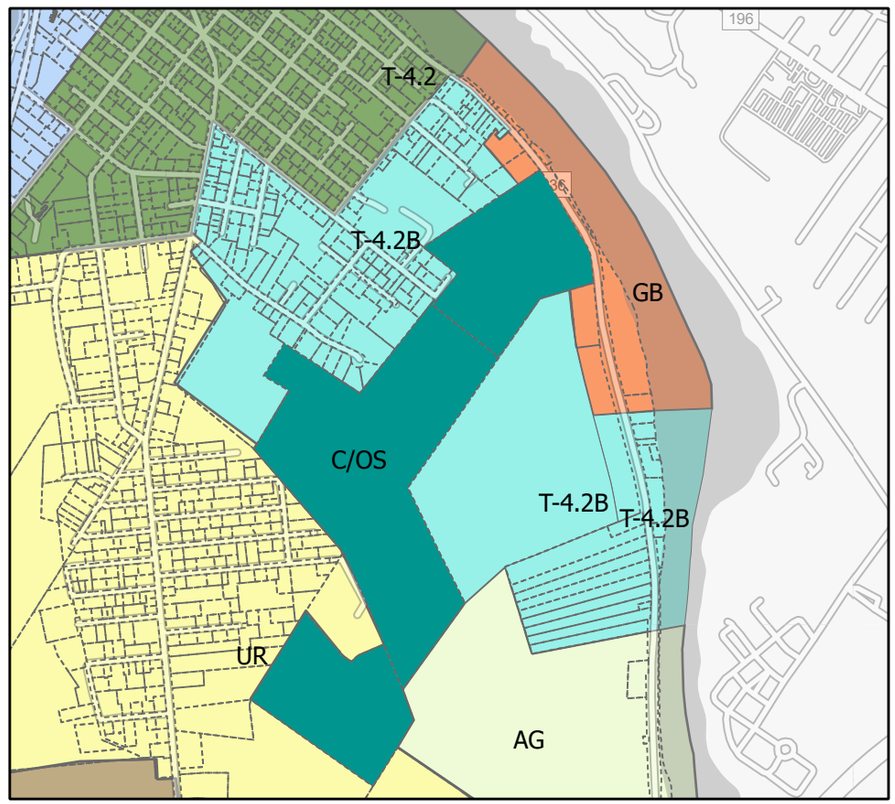
VI. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning

district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map.

Area A2



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

T-4.2B Zoning Map Amendment
Area B1 & B2

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area B1 & B2

Date: August 8, 2023

I. Public Hearing/ Zoning Map Amendments/ T-4.2B Area B1 &B2: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016, revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Vickery Road.

Current Zoning Proposed Change

II. Background: Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four Areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council.

Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. "Area B" as presented on July 11 has been divided into 'Area B1" and "Area B2" on the same map intended for the same public hearing, but as two separate votes. The purpose of dividing this into two areas is so the Planning Board can evaluate whether the connection from Area A to Area B requested in the July 11 Planning Board meeting meets their expectations or whether they would rather pursue another option.
2. Area B1 is the Vickery Rd. And Carrier Ct. neighborhood formerly described as Area B. Area B2 is a 700 ft.-deep strip along Vickery Road connecting "Area A1" to Area B1 as requested by the planning board.
3. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.

III. Traditional Neighborhood Development District: *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

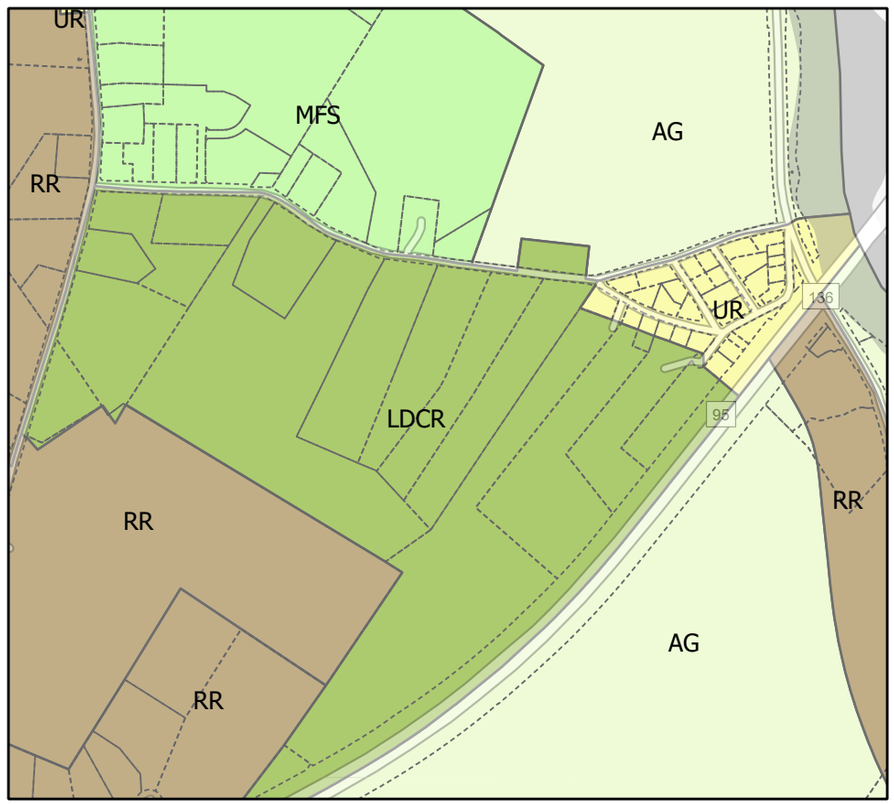
IV. Transportation Goals: *See Appendix A*

V. Suggested Reasons, Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area B1&B2 to T-4.2B with the following suggested findings:

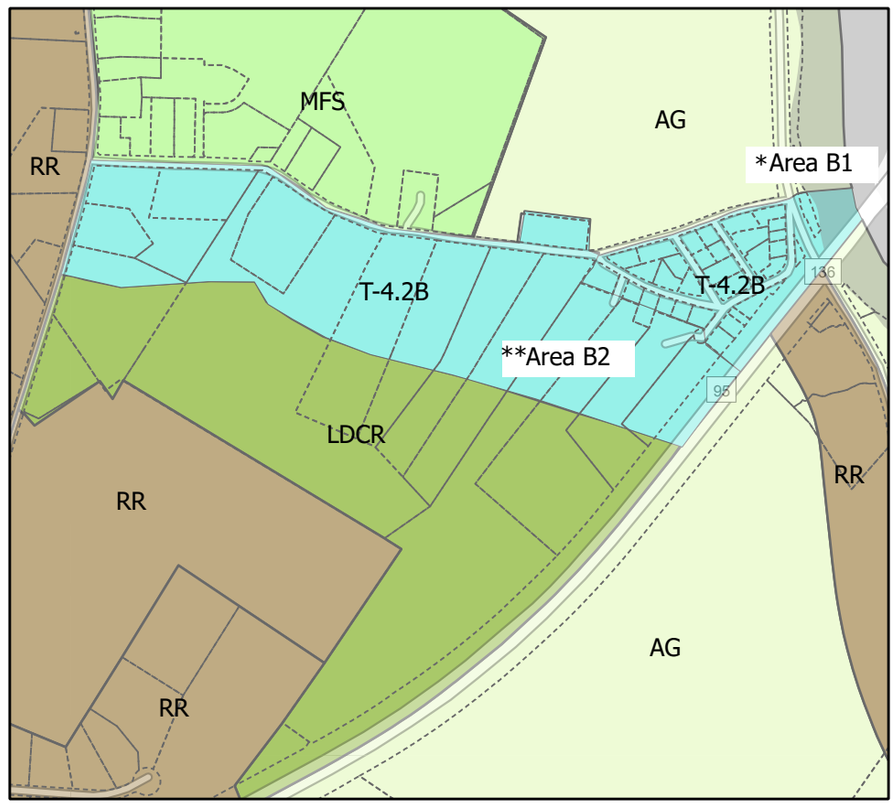
1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area B1 & B2. Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limits the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
9. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

VI. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Vickery Road as shown on the attached map (Area B1 & Area B2).

Area B1 & B2



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

*Area B1=UR to T-4.2B

**Area B2= LDCR to T-4.2B

T-4.2B Zoning Map Amendment
Area C

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

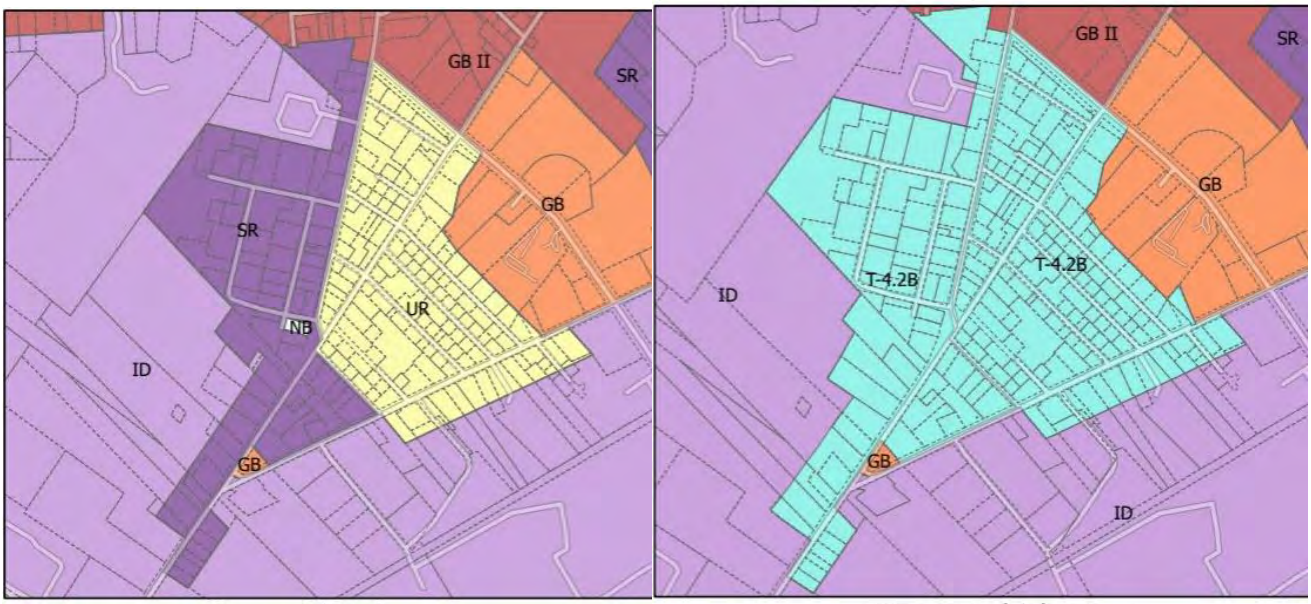
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area C

Date: August 8, 2023

I. Public Hearing/ Zoning Map Amendments/ T-4.2B Area C: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads as shown on the attached map.



II. Background: Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The new zone boundaries were slightly cleaned up from last year's map so that zoning boundaries more frequently follow parcel lines rather than splitting smaller parcels between zoning districts.

III. Traditional Neighborhood Development District: *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

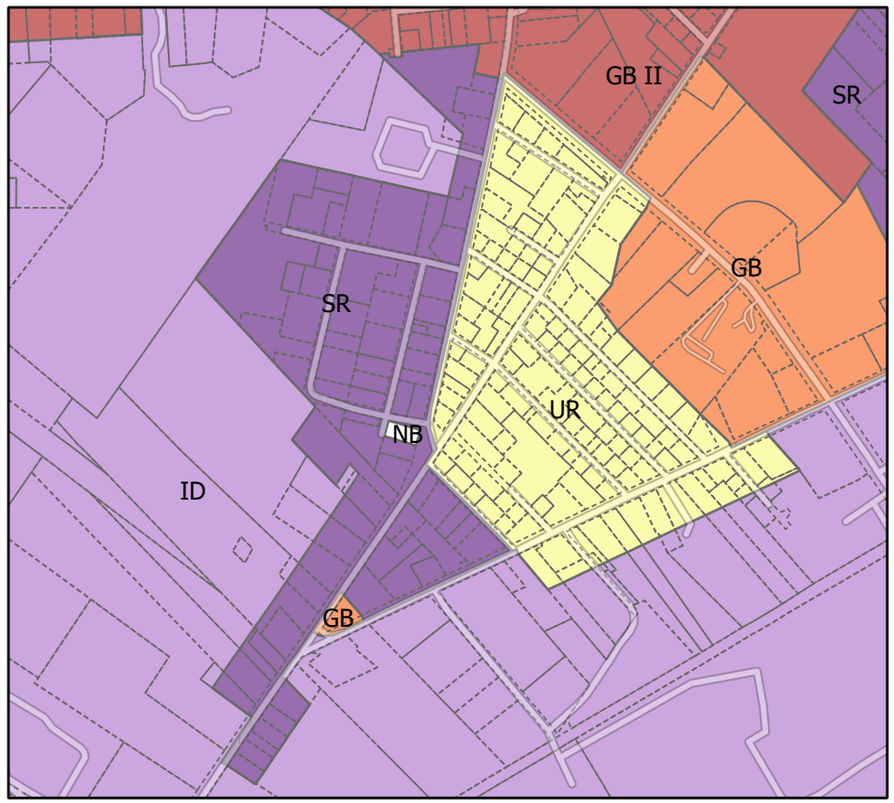
Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Suggested Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area C to T-4.2B with the following suggested findings:

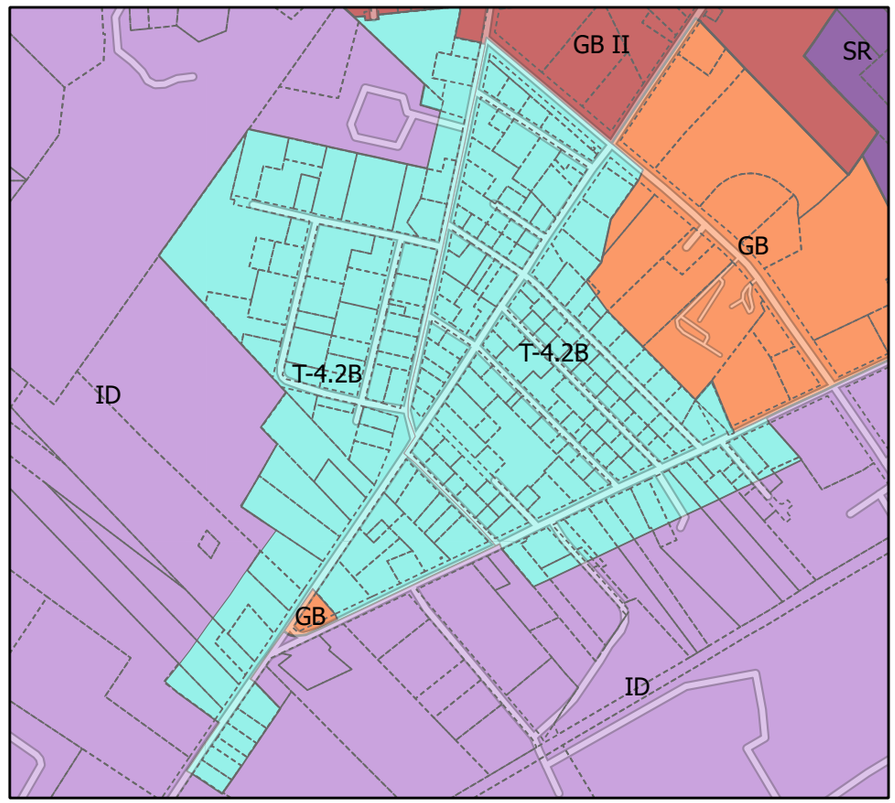
1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals and will be integrated into the Washington Street Corridor roadway and pedestrian connectivity plans.
3. The Comprehensive Plan supports growth in the "city core" which includes Area C. Developing within the city core means more efficient, cost-effective city services to support growth.
4. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
5. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
6. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
7. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
8. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

I. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C.

Area C



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

T-4.2B Zoning Map Amendment
Area D

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

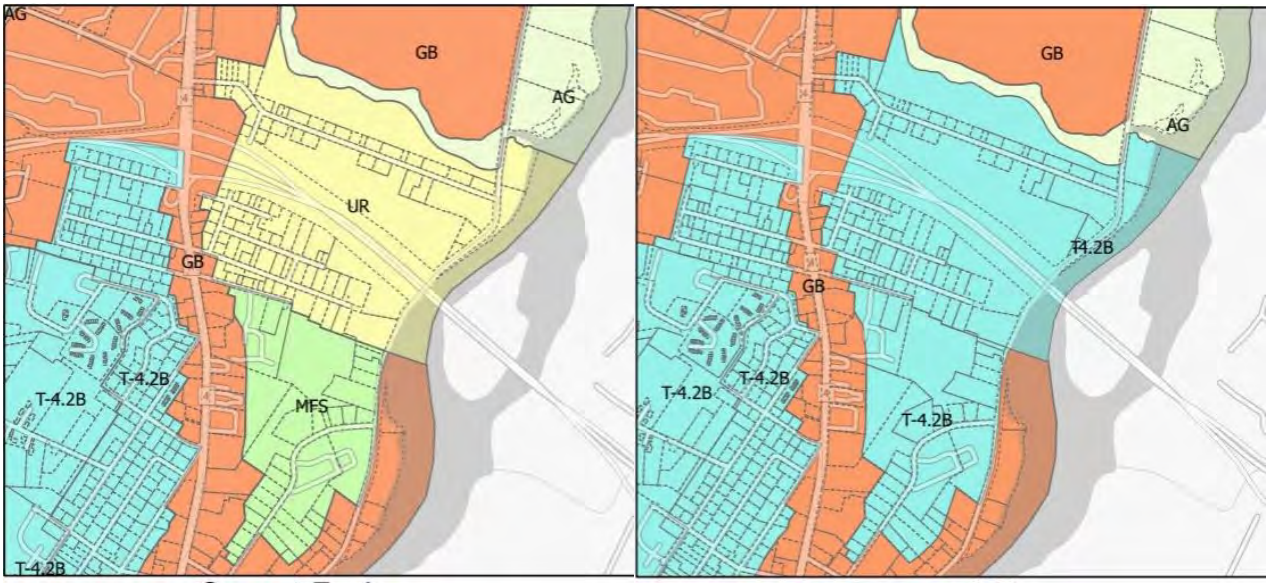
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area D

Date: August 8, 2023

I. **Public Hearing/ Zoning Map Amendment/ T-4.2B Area D:** Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road and Bradman Streets.



Current Zoning Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council.

Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The previous map showed a 100 ft. strip along North River Road to be changed to T-4.2B. The Planning Board gave feedback that they were not comfortable with this strip, and asked instead to show the map without the area north of Bobbin Mill Brook, reducing the acreage considered for Area D.

III. **Traditional Neighborhood Development District T-4.2B:** *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

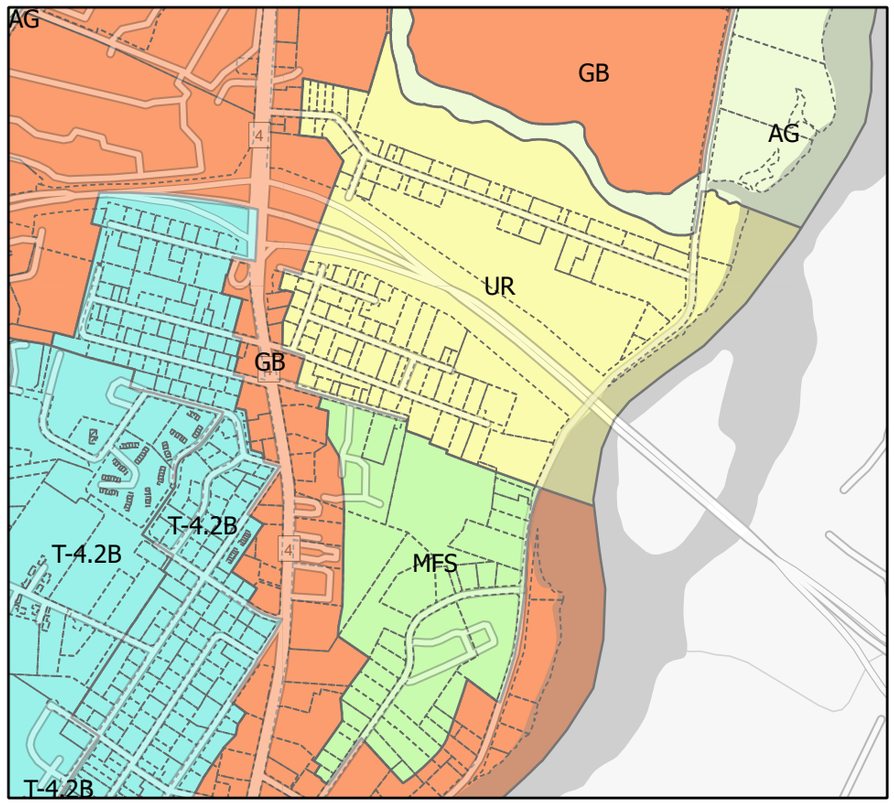
IV. **Suggested Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area D to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.

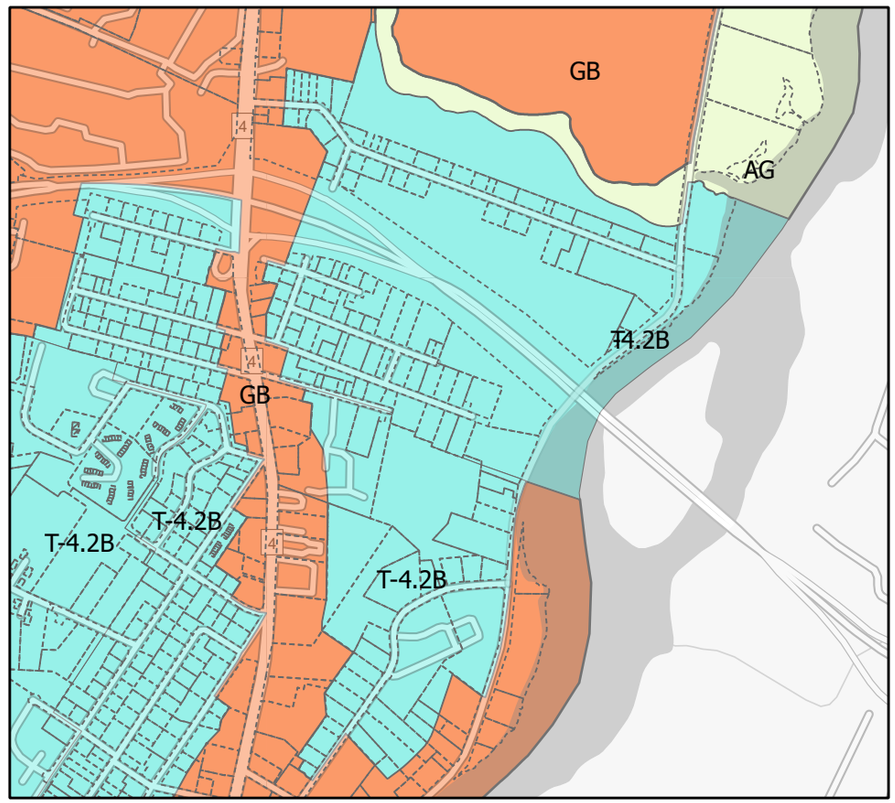
2. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
3. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
4. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
5. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. It discards the obsolete zoning construct that requires more land than needed for supporting residences.
6. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for most. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
7. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
8. Form based code is appropriate for this area considering the existing Urban Residential, Multifamily, and General Business zoning.

V. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.

Area D



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

IN COUNCIL REGULAR MEETING AUGUST 07, 2023, VOL. 37 PAGE 65

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items

1. Order 99-08072023*
Confirming Chief Moen's appointment of constables with firearms and arrest powers for the Auburn Police Department.

2. Order 100-08072023*
Confirming Chief Moen's appointment of Cameron Mason as constable, without firearm, for the Auburn Police Department.

3. Order 101-08072023*
Casting the voting ballot for the 2024 Maine Municipal Association's Vice President and Executive Committee Members as nominated by the MMA Nominating Committee.

4. Order 102-08072023*
Confirming Mayor Levesque's appointment of Andy Titus as full member of the Ethics Panel with a term expiration of 11/1/2025.

5. Order 103-08072023*
Authorizing the Mayor to execute the Edward Byrne Justice Assistance Grant Program FY2023 Local Solicitation-Certifications and Assurances by the Chief Executive of the Applicant Government document to be submitted with the grant application.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the five consent items.

Passage 7-0.

II. Minutes

June 20, 2023, Regular City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the June 20, 2023, Regular City Council meeting.

Passage 7-0.

July 10, 2023, Special City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the

minutes of the July 10, 2023, Special City Council meeting.

Passage 6-0-1 (Councilor Whiting abstained as he was not present for that meeting).

III. Communications, Presentations and Recognitions

- Presentation – Project Support You (PSY) Update
- Communication – Business License Denial - Medical Marijuana Cultivation Facility for Marc Fishman
- Communication – Aquatic Center in Auburn (Mayor Jason Levesque)
- Communication – Naming of City Facilities and Infrastructure (Mayor Jason Levesque)
- Council Communications (about and to the community)

Councilor Gerry spoke regarding sports funding that was going to be cut from the school budget.

Councilor Whiting stated that the baby loon on Lake Auburn appears to be doing well. He also noted that the Maine Mill received a grant from the Office of Tourism.

Councilor Walker announced that there will be an Age Friendly Community Committee meeting tomorrow at 5:30 pm. Jonathan LaBonté will be the guest speaker.

Councilor Staples thanked city staff for doing a wonderful job during the recent storm and during the Presidential visit.

Mayor Levesque echoed councilor Staples comments regarding the Presidential visit, adding that it was an honor hosting the President and thanked staff. He also noted that he will be soliciting nominations for the next John Jenkins Award, the Hands and Heart Leadership Award.

City Manager Crowell also echoed the comments about the Presidential visit. The feedback received was that our staff was on point. He added that he couldn't have asked for a better showing of Auburn and gave accolades to Kathy Leonard (Auburn Manufacturing). He went on to provide a recap of the recent storm, the damage, and the great job and restoration efforts made by staff. There was a lot of damage throughout the city. He then provided an update on the program mailing that went out to Auburn residents. Last, he announced that the 19th Annual National Night Out will be held on Thursday August 10th at 5:30 in Festival Plaza.

IV. Open Session – No one from the public spoke.

V. Unfinished Business - None

VI. New Business

1. Order 104-08072023
Approving the Mass Gathering application for the Auburn Blues & Brews event to be held on Saturday, September 9, 2023. Public hearing and vote.

Motion was made by Councilor Walker and seconded by Councilor Morin for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

2. **Order 105-08072023**
Allocating funds ($50,000) from the American Rescue Plan Act (ARPA) for the Auburn Victory Gardens Program.

Motion was made by Councilor Hawes and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0.

3. **Order 106-08072023**
Adopting the School Maintenance Labor Contract.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 7-0.

4. **Order 107-08072023**
Authorizing the Auburn-Lewiston Municipal Airport Board of Directors to designate and sell surplus personal property.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public comment – No one from the public spoke.

Passage 7-0.

5. **Order 108-08072023**
Amending the loan between the City's General Fund and the Auburn-Lewiston Municipal Airport to extend the maturity from FY2034 to FY2036.

Motion was made by Councilor Hawes and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

6. **Order 109-08072023**
Approving the liquor license for Gipper's (new ownership). Public hearing and vote.

Motion was made by Councilor Walker and seconded by Councilor Morin for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

VII. Open Session – No one from the public spoke.

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported that a very successful Accessory Dwelling Unit Meeting was held. There were over 90 people in attendance.

Councilor Staples reported that he attended the Community Conversation that took place last week with Planning and Permitting Office did on zoning. It was well attended, and he wanted to thank staff for their efforts.

Councilor Milks reported on the Ad hoc Committee on Lake Auburn went well and everyone appears to be on same page and want to accomplish the same things. Another meeting is coming up at the end of August.

City Manager Crowell reported on our new podcast called Absolutely Auburn and he encouraged people to listen.

IX. Executive Sessions - Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Walker and seconded by Councilor Morin to enter into executive session.

Passage 7-0. Time in 8:17 pm.

Council was declared out of executive session at 8:33 pm.

X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Walker to adjourn.

Unanimously approved and the meeting adjourned at 8:33 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023 **Order:** 110-08212023

Author: Phil Crowell, City Manager

Subject: Aquatic Center

Information:

On August 7, 2023, the mayor proposed the city council to direct the city manager develop an aquatic center report to include the costs for the building of a center, funding sources, private partnerships, and location possibilities. The city manager will coordinate with the Recreation Committee to review the information and submit the report to the city council at the October 16, 2023, council workshop.

City Budgetary Impacts: None

Staff Recommended Action: None

Previous Meetings and History: August 7, 2023 council meeting

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 110-08212023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby directs City Manager to provide a report to the city council on October 16, 2023 to build an aquatic center which will include the cost, funding sources, locations, and partnerships.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023 **Order:** 111-08212023

Author: Councilor Leroy Walker and Councilor Dana Staples

Subject: ARPA funding allocation to Safe Voices Sexual Assault Crisis Center

---

Information: Safe Voices Sexual Assault Crisis Center is requesting the City of Auburn allocate $250,000 from their American Rescue Plan Act (ARPA) funds to bridge the fundraising gap for their planned renovations at 100 Lisbon Street, Lewiston, facility. The gap occurred between Safe Voices fundraising efforts and the rapid inflationary costs incurred through the Covid-19 pandemic.

The facility will be transitioned to a comprehensive resource center in Androscoggin County and will include the existing advocacy offices with renovations to include a survivor-centric program hub with a community kitchen, prayer and lactation room, and survivor work-stations for clients who need to use a secure computer to print evidence, establish a bank account, or use a private email away from their abuser.

The lower level will include a Free Boutique where survivors may access household and personal care items like furniture, linens, dishes, etc. to furnish new homes. It will also include a Training Center for both internal trainings among staff as well as trainings and workshops offered to community partners.

City Budgetary Impacts: None

Staff Recommended Action: Allocate $50,000.00 to Safe Voices for their renovation project.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 111-08212023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby approves the allocation of $50,000.00 from the American Rescue Plan Act (ARPA) funding to the Safe Voices Sexual Assault Crisis Center to support the renovation costs for their comprehensive resource center located at 100 Lisbon Street in Lewiston.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023 **Order:** 112-08212023

Author: Councilor Leroy Walker and Councilor Dana Staples

Subject: ARPA funding allocation to Boys & Girls Club of Southern Maine – Auburn Clubhouse

---

Information: The Boys & Girls Club of Southern Maine – Auburn Clubhouse is requesting the City of Auburn allocate $10,000.00 from their American Rescue Plan Act (ARPA) funds to be the "Presenting Sponsor" for the "Fall for the Kids" fundraising event. An additional $10,000 is being suggested by Councilor Walker for other programming needs.

Funds will provide children and teens with a safe place after school and during the summers by providing fresh meals and engaging programs.

City Budgetary Impacts: None

Staff Recommended Action: Allocate $10,000.00 to Boys & Girls Club of Southern Maine – Auburn Clubhouse as the "Presenting Sponsor" for the "Fall for the Kids" fundraising event and an additional $10,0000 for programming out of the Auburn clubhouse.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Fall for the Kids flyer – includes sponsor levels.

BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

Fall FOR THE Kids

Fundraiser for
BGCSM's Auburn & Lewiston Clubs

FRIDAY, OCTOBER 20
5:00-8:00

AUBURN CLUB
43 2nd Street, Auburn

Fall FOR THE Kids

About

The inaugural Fall for the Kids celebration will raise funds for the youth of Lewiston and Auburn. Since 1995, the Auburn Clubhouse has provided children and teens in the Twin Cities with a safe place after school and during the summers, fresh meals, and engaging programs. The BGCSM Lewiston teen center, launched in 2022, offers programming to middle and high schoolers to help them graduate on time with a plan for their future.

Join us Friday, October 20th, for an evening dedicated to the children and teens of Lewiston and Auburn. We are excited to have our supporters together to enjoy cocktails, networking, dinner, and a program from our Club leaders and members.

Details

BGCSM Auburn Clubhouse
43 2nd Street
Auburn, Maine 04210

Friday, October 20 | 5:00-8:00 PM
Cocktail Hour
Dinner
Program and Celebration

Host Committee Table $1,000
Host Committee Ticket $200
Tickets $100

Fall FOR THE Kids

SPONSOR LEVELS

$10,000 PRESENTING SPONSOR

- "Presented by" recognition on event webpage, invitation, program, social media, and additional event communication
- Premier recognition during the event
- Logo prominently displayed in event slideshow
- Full-page ad inside front cover of program book
- Senior Executive recognized on Host Committee
- Option for a custom volunteer event for your group at the Club
- Option for two tables at the event

$5,000 PLATINUM SPONSOR

- Logo displayed on event webpage, program, social media, and additional event communication
- Recognition during the event
- Logo displayed in event slideshow
- Half-page ad in program book
- Option for a custom volunteer event for your group at the Club
- Option for one table at the event

$2,500 GOLD SPONSOR

- Logo displayed on event webpage, program, social media, and additional event communication
- Logo in event slideshow
- Option for one table at the event

$1,000 SILVER SPONSOR

- Name recognition on event webpage, program, social media, and additional event communication
- Name in event slideshow
- Option for one table at the event

We are excited to work with our supporters to develop custom sponsorship opportunities that fit your interests. Annual event sponsorships for recognition at all of Boys & Girls Clubs of Southern Maine Events are also available. Please contact Deirdre Clifford at dclifford@bgcmaine.org to learn more.

ORDER 112-08212023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby approves the allocation of $20,000.00 from the American Rescue Plan Act (ARPA) funds to the Boys & Girls Club of Southern Maine – Auburn Clubhouse with $10,000 to be the "Presenting Sponsor" for the "Fall for the Kids" fundraising event and an additional $10,000 for additional Auburn programming.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023

Subject: Executive Session

Information: Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. Section 405(6)(A).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Workshop & Meeting
Agenda
September 5, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Aquatic Center/Sports Facility Management – Brian Wood
B. Public Safety Facility Update - Brian Wood, Jason Moen, Robert Chase

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Staples

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 113-09052023*
Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto, 899 Broad St.

2. Order 114-09052023*
Approving the renewal of an Auto Graveyard/Junkyard permit for M&P Auto, Inc., 227 Merrow Rd.

3. Order 115-09052023*
Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

4. Order 116-09052023*
Approving the renewal of an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.

5. Order 117-09052023*
Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Rd.

II. Minutes

- August 21, 2023, Regular City Council Meeting

III. Communications, Presentations and Recognitions

- Council Communications (about and to the community)
- Recycling Update - Mayor Jason Levesque

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Order 118-09052023
Authorizing the City Manager to execute a real estate transaction to swap City owned parcel 271-100-000 for privately held parcel 261-056-002.

2. Ordinance 11-09052023
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B – Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023. **Public hearing and 1st reading.**

3. Ordinance 12-09052023
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B ,T-4.2B Sec. 60-54B Intent and Purpose, Sec. 60-54B.1, Building Placement on Lot, Frontage Buildout, 3. Sec 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. **Public hearing and 1st reading.**

4. Ordinance 13-09052023
Approving the zoning map amendment T-4.2B & C/OS "Area A1". **Public hearing and 1st reading.**

5. Ordinance 14-09052023
Approving the zoning map amendment T-4.2B & C/OS "Area A2". **Public hearing and 1st reading.**

6. Ordinance 15-09052023
Approving the zoning map amendment T-4.2B "Area C". **Public hearing and 1st reading.**

7. Ordinance 16-09052023
Approving the zoning map amendment T-4.2B "Area D". **Public hearing and 1st reading.**

8. Ordinance 17-09052023
Approving the Zoning Ordinance text amendments (Proposal B1) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2-Agriculture and Resource Protection District. **Public hearing and 1st reading.**

9. Ordinance 18-09052023
Approving the Zoning Ordinance text amendments (Proposal B3) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agriculture and Resource Protection District. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed. **Public hearing and 1st reading.**

10. Ordinance 19-09052023
Approving the AGRP text amendments (Proposal B2) Planning Board proposed change number ten to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. **Public hearing and 1st reading.**

11. Order 119-09052023
Authorizing the proposed Public Safety Building to be placed on a referendum ballot and submitted to the voters of Auburn at the November 7, 2023, Election.

12. Order 120-09052023
Allocating $5,700 out of the American Rescue Plan Act (ARPA) funds for Literacy Volunteers, Androscoggin.

13. Order 121-09052023
Authorizing the City Manager to execute the purchase and sales agreement of 80 Lake Street (PID 239-114), 7 Fern Street (PID 239-113), and 9 Fern Street (PID 239-112).

14. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

15. Reports (from sub-committees to Council)
a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

16. Executive Sessions - None

17. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023

Author: Brian Wood, Assistant City Manager

Subject: Aquatic Center Exploration

Information: The City of Auburn commissioned a report looking at the feasibility of a turf and sports facility in 2021. This study briefly explored an aquatic center. The feasibility study will be expanded and developed to include a more in-depth review of an aquatic facility, cost, funding sources / partnerships, potential locations and timelines. Information to be provided by Sports Facilities Management (SFM).

City Budgetary Impacts:
To be determined

Staff Recommended Action: Further review of feasibility study and locations to be discussed in the future.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023

Author: Brian Wood, Assistant City Manager

Subject: Public Safety Building – Referendum Question for November 7, 2023 Election

---

Information: In 2011, the Auburn Police Department relocated from its Minot Avenue location to Auburn Hall as a temporary solution due to space needs, costly needed repairs, and upgrades as a cost saving measure for the city. In 2017, a space needs analysis and site evaluation was completed and in 2019, city council reallocated CIP funds to expand the facility assessment. In 2020, a comprehensive facilities assessment was completed, and an Ad-hoc Committee was established to review the assessment and make recommendations to City Council. A final committee report was presented to City Council in 2022. In August 2023, a presentation was made to City Council with a recommendation to merge both police and fire departments into one public safety facility to be located at 550 Minot Avenue as the most effective measure for both efficient delivery of services and overall costs for the residents of the City of Auburn.

The bond referendum question will state:
Shall the City of Auburn authorize the issuance of general obligation bonds or notes in anticipation of such bonds in the principal amount not to exceed $45,000,000 and appropriate the proceeds of such bonds, together with investment earnings, if any, to fund the construction of a new public safety facility at 550 Minot Avenue in Auburn to house the headquarters of the City's Police Department and Fire Department, including all necessary professional services, real estate acquisition and off-site improvements related to such construction project, costs of issuance and capitalized interest as permitted?

Financial Statement: The issuance of bonds by the City of Auburn is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Auburn as of November 7, 2023:

Principal of Bonds to be Issued if Approved by Voters:	$45,000,000
Estimate of Interest on Bonds to be Issued if Approved:	$37,800,000
Total Debt to be Issued if Approved by Voters:	$82,800,000

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on that amount as well. Principal on the bonds will be repaid in approximately equal annual installments over a period not to exceed 30 years, along with interest, which will be paid semi-annually. The amount of interest to be paid will vary depending on the rate of interest and the years of maturity at the time of issuance, which is expected to be no sooner than 2024. An estimate of the total interest that may reasonably be expected to be paid on the issue submitted herewith for authorization is $37,800,000, based

on an interest rate of 4.00%. The total principal and interest to be paid over the life of the bonds on the issue submitted herewith, if authorized, is thus estimated to be $82,800,000.

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the foregoing estimate of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

City Budgetary Impacts:

Principal of Bonds:	$45,000,000.00
Interest on Bonds:	$37,800,000.00
Total 30-year Debt:	$82,800,000.00

Staff Recommended Action: Order that the City Clerk, through the City Manager, place the referendum question before the residents of the City of Auburn on the November 7, 2023 election ballot.

Previous Meetings and History: August 7, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 05, 2023

Orders: 113-09052023*, 114-09052023*, 115-09052023*, 116-09052023*, 117-09052023*

Author: Alison F. Pepin, Deputy City Clerk

Subject: Automobile Graveyard/Junkyard permits renewals

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Reminder letters and applications were sent out 08/15/2023. Inspections have been made. Council approval is required for renewal of these licenses. Because the 5 listed below are renewals, they *do not* require a public hearing. All have passed inspections conducted by the Code and Fire Departments, therefore have been placed on the Consent Agenda for approval as they are considered routine.

Title 30-A, Sec. 3754 states "*Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and **may** hold public hearings annually regarding the relicensing of these facilities*".

Randy's Auto Parts, Inc., 899 Broad Street
M & P Auto, Inc., 227 Merrow Road
Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North
Prolerized New England Company, LLC., 522 Washington St. North
Isadore T. Miller, 79 & 80 Hotel Road

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends the City Council approve renewal applications.

Previous Meetings and History: Annual Renewal

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

1. Automobile Graveyard/Junkyard applications
2. Orders

Received 8-21-23

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Police - OK BSB/21
Fire - OK DO 8/29
Code - OK EC 8/31
Tax - OK MC 8/21

2023

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:**

I/We RANDY'S AUTO PARTS hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   899 BROAD STREET AUBURN, ME 04210
2. Is this application made by or for a company, partnership, corporation or individual:
   RONALD & ERNEST LEVASSEUR
3. Is this property leased? NO Property owned by: RON & ERNEST LEVASSEUR
   Address: 899 BROAD ST.
4. How is "yard" screened?
   - ☐ Fence (type) Wood Height: 6'&8'
   - ☐ Trees (type) FIR
   - ☐ Embankment: _____
   - ☐ Gully: _____
   - ☐ Hill: _____
   - ☐ Other: _____
5. How far is edge of "yard" from center of highway?
   300 ft
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

8. Is any portion of this "yard" on public property? Yes____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1980 By whom? TWIN TOWN RENDERING

11. When was last permit issued? 2022 By whom? RANDY'S AUTO PARTS

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Ronald J Levasseur for: Randy's Auto Parts
Name of Company, Corporation, Partnership or Individual

Address: P.O. Box 1243 = 899 BROAD ST. AUBURN ME 04211

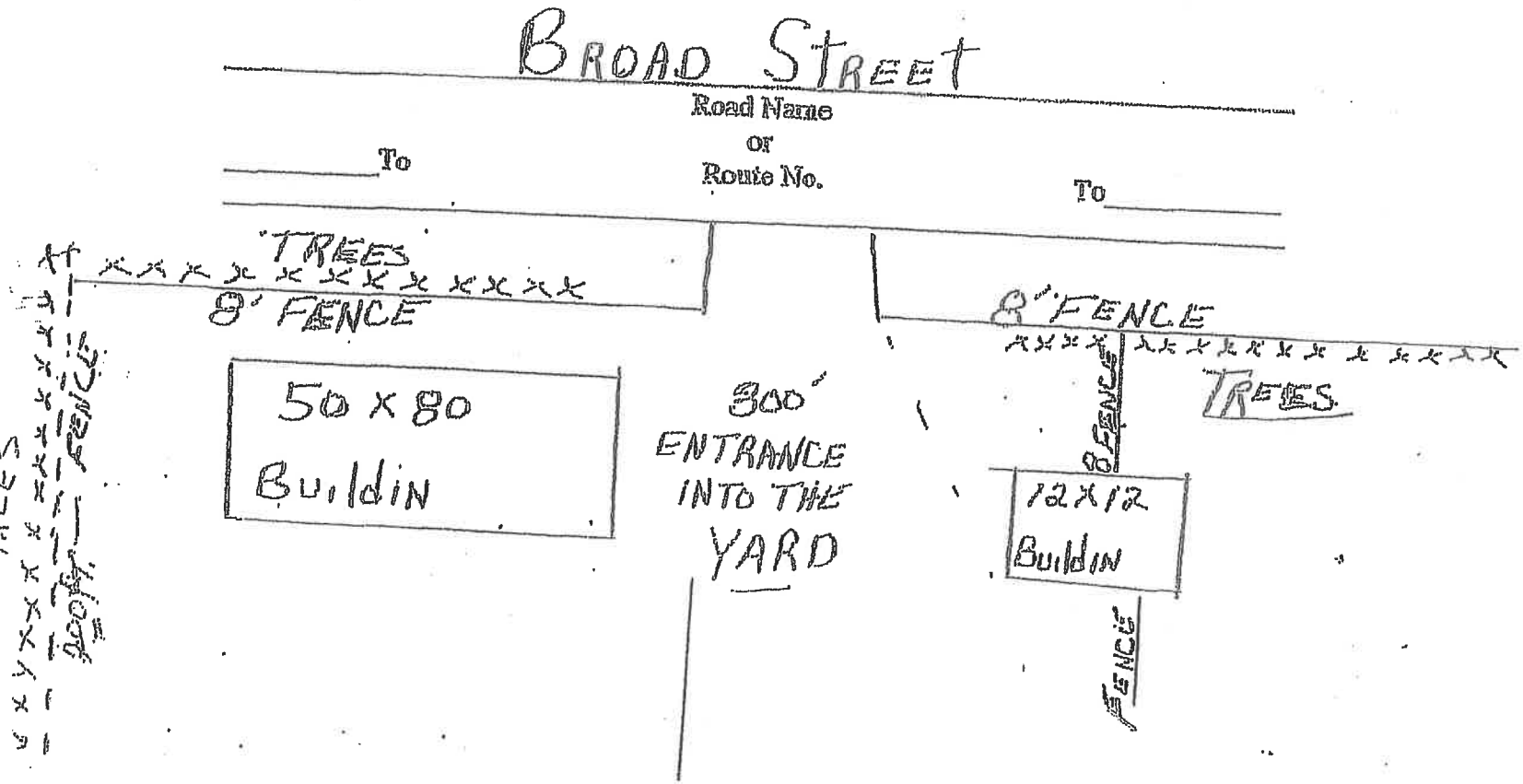
Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 182-~~001~~
Lot No. 001
Zone _____

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☑ South

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)


BROAD STREET
Road Name
or
Route No.
To
To
TREES
8' FENCE
8' FENCE
TREES
8' FENCE
50 x 80
Buildin
300'
ENTRANCE
INTO THE
YARD
8' FENCE
TREES
12 X 12
Buildin
8' FENCE

August 15, 2023

Ernest & Ronald Levasseur
Randy's Auto Parts
PO Box 1243
Auburn, ME 04210

Dear Business Owner,

Enclosed is an application for an Automobile Graveyard and/or Junkyard Permit. Please complete the application and return it with all required documentation and the permit fee of $100.00 no later than August 28, 2023. It is very important your application is received by the deadline to be presented to the City Council in September.

The City Council will consider action on the application at one of their meetings in September before your license expires. Please call the City Clerk's Office at 333-6601 ext. 1121 or 1124 with any questions you may have.

Sincerely,

Alison F. Pepin
Deputy Clerk/License Specialist City Clerk's Office, City of Auburn
60 Court Street | 207.333.6601 ext. 1121
apepin@auburnmaine.gov

Police - OK BS 8/24
Fire - OK DS 8/29
Code - OK EC 8/31
Tax - OK TN 8/24

Received - 8-24-23

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:**

I/We M+P Auto / Albert Bazinet Jr hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   227 Merrow Rd
   Auburn, ME 04210
2. Is this application made by or for a company, partnership, corporation or individual:
   _____
3. Is this property leased? NO Property owned by: Albert Bazinet Jr
   Address: 81 Dawes Ave. Auburn, ME 04210
4. How is "yard" screened?
   - ☐ Fence (type) ✓ Height: 8'
   - ☐ Trees (type) _____
   - ☐ Embankment: _____
   - ☐ Gully: _____
   - ☐ Hill: _____
   - ☐ Other: _____
5. How far is edge of "yard" from center of highway?
   400 ft.
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

8. Is any portion of this "yard" on public property? Yes____ No Y

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1978 By whom? Albert Bazinet Jr.

11. When was last permit issued? 2022 By whom? M+P Auto Inc.

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Claudette Bazinet for: M+P Auto Inc.
Name of Company, Corporation, Partnership or Individual

Address: 227 Merrow Rd. Auburn, ME 04210

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 186-
Lot No. 013
Zone

Check correct direction:

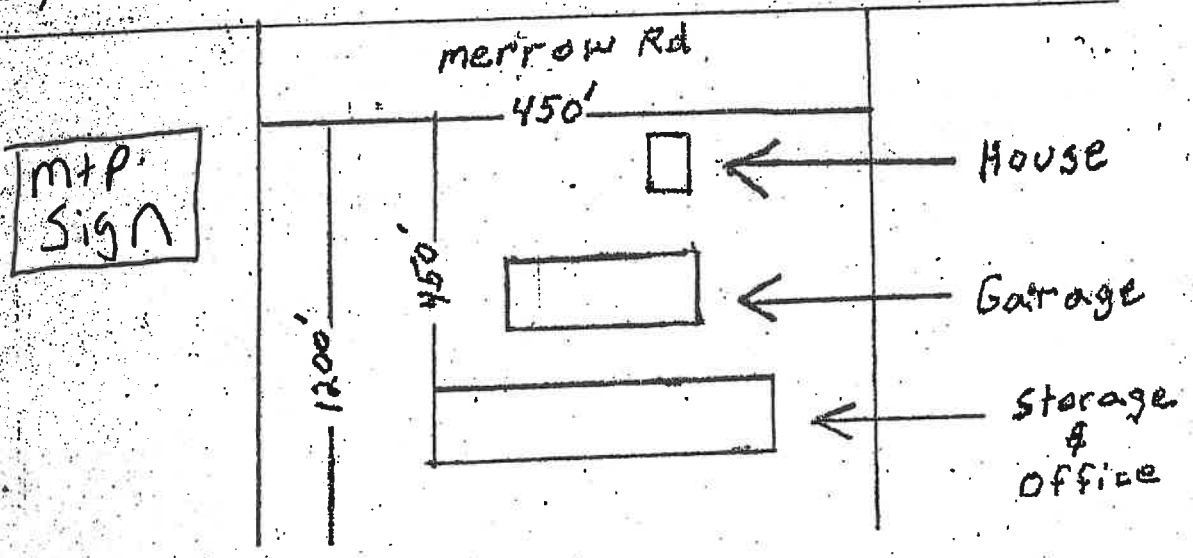
- ☐ North
- ☐ East
- ☐ West
- ☐ South

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)

Road Name
or
Route No.

Hotel Rd. To

To Minert Ave



364 (Rev. 7/12)

Received - 8-24-23

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Police - OK BS 8/24
Fire - OK DO 8/31
Code - OK EC 8/31
Tax - OK TN 8/24

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:** Bryan Mclean/Donald St. Germain

I/We Dons No Preference Towing DBA/Moms Auto Parts hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   940 Washington St. N.
   Auburn, ME 0421
2. Is this application made by or for a company, partnership, corporation or individual:
   Corporation
3. Is this property leased? NO Property owned by: _____
   Address: 940 Washington St. N. Auburn
4. How is "yard" screened?
   - [X] Fence (type) Wood Height: 8FT
   - [ ] Trees (type) _____
   - [ ] Embankment: _____
   - [ ] Gully: _____
   - [ ] Hill: _____
   - [X] Other: metal 8FT
5. How far is edge of "yard" from center of highway?
   53 Ft Center to fence
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

8. Is any portion of this "yard" on public property? Yes____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1938 By whom? Morris Auto Parts

11. When was last permit issued? 2022 2023 By whom? City of Auburn — State of Maine

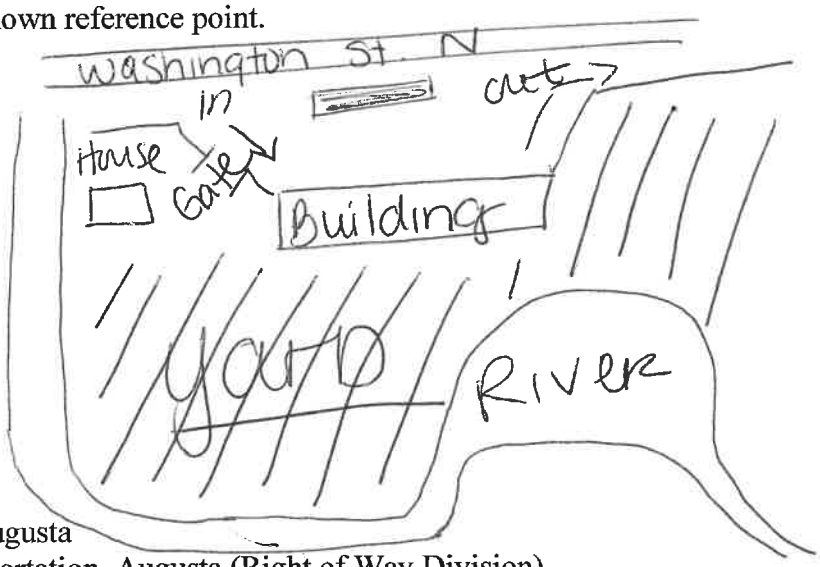
The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: [signature] for: Dons DBA Morris Auto Parts
Name of Company, Corporation, Partnership or Individual

Address: 940 Washington St N. Auburn, ME 04210
PO Box 283 Auburn ME 04212

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 170
Lot No. 020
Zone ____



Check correct direction:
- ☒ North
- ☐ East
- ☐ West
- ☐ South

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)

Police - OKBS 8/31
Fire - OKDD 8/30
Code - OKEC 8/31
Tax - OK MC 8/31

Received 8/31/23

City of Auburn, Maine
Office of The City Clerk
www.auburnmaine.gov

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:**

I/We Prolerized New England Company, LLC hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   522 Washington Street, Auburn, ME 04210
2. Is this application made by or for a company, partnership, corporation or individual:
   LLC
3. Is this property leased? NO Property owned by: Prolerized New England Company LLC
   Address: 69 Rover Street, MA 02149
4. How is "yard" screened?
   - ☐ Fence (type) Metal Height: 8 Ft.
   - ☐ Trees (type)_____
   - ☐ Embankment:_____
   - ☐ Gully:_____
   - ☐ Hill:_____
   - ☐ Other:_____
5. How far is edge of "yard" from center of highway?
   150 Ft.
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
www.auburnmaine.gov

8. Is any portion of this "yard" on public property? Yes____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1986 By whom? Maine Metal Recycling

11. When was last permit issued? 2021 By whom? Prolerized New England CO, LLC

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: _____ for: Prolerized New England CO, LLC
Name of Company, Corporation, Partnership or Individual

Address: 11 Times Square, NY, NY

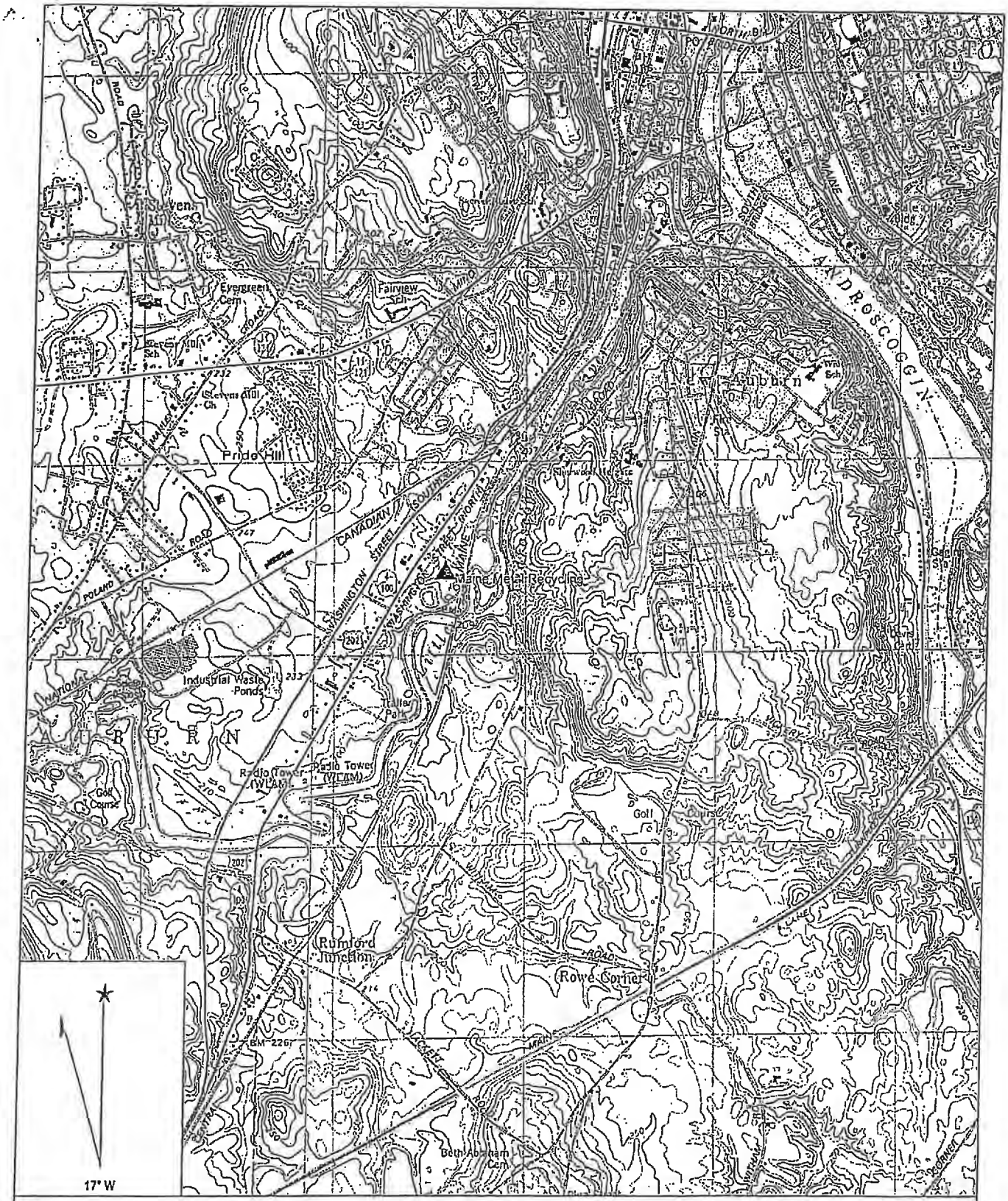
Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 189
Lot No. 024
Zone G89

Check correct direction:

- ☐ North
- ☐ East
- ☐ West
- ☐ South

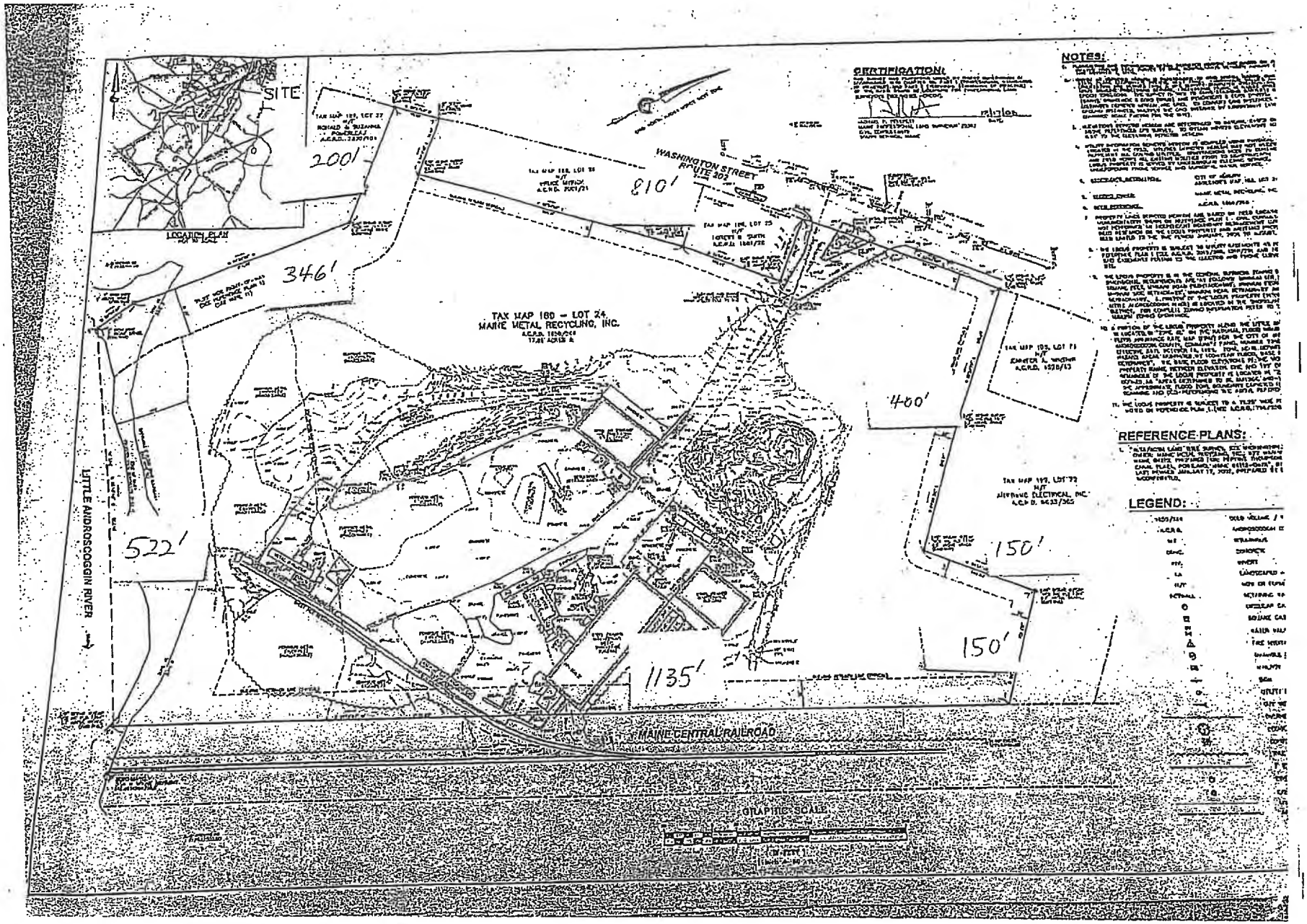
1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)



Name: LEWISTON
Date: 10/20/2006
Scale: 1 inch equals 2000 feet

Location: 044° 04' 14.2" N 070° 14' 14.1" W
Caption: Figure 1: Site Location Map
Maine Metal Recycling
522 Washington St. Auburn, ME

Copyright (C) 1997, Maptech, Inc.


SITE
LOCATION PLAN
NOT TO SCALE
200'
810'
346'
460'
522'
150'
150'
1135'
WASHINGTON STREET
ROUTE 202
TAX MAP 180 – LOT 24
MAINE METAL RECYCLING, INC.
TAX MAP 193, LOT 72
ALTERNATIVE ELECTRICAL, INC.
LITTLE ANDROSCOGGIN RIVER
MAINE CENTRAL RAILROAD
GRAPHIC SCALE
CERTIFICATION:
NOTES:
REFERENCE PLANS:
LEGEND:

Police - OK BS 8/31
Fire - OK DO 8/30
Code - OK EC 8/31
Tax - OK MC 8/31

Received: 8/31/23

maine.gov

City of Auburn, Maine
Office of The City Clerk
www.auburnmaine.gov

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:**

I/We Isadore T. Miller hereby
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   79 & 80 Hotel Road, Auburn, ME 04210

2. Is this application made by or for a company, partnership, corporation or individual:
   Corporation

3. Is this property leased? No Property owned by: Isadore T. Miller
   Address: 79 & 80 Hotel Rd., Auburn ME 04210

4. How is "yard" screened?
   - ☒ Fence (type) wood Height: 6 ft.
   - ☐ Trees (type)_____
   - ☐ Embankment:_____
   - ☐ Gully:_____
   - ☐ Hill:_____
   - ☐ Other:_____

5. How far is edge of "yard" from center of highway?
   200 ft.

6. Can junk be seen from any part of highway? Yes____ No X

7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
www.auburnmaine.gov

8. Is any portion of this "yard" on public property? Yes____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes X No____

10. When was "yard" established? 1930 By whom? Barker Family

11. When was last permit issued? 2022 By whom? City of Auburn to Isadore T. Miller

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: _____ for: Prolerized New England Company, LLC
Name of Company, Corporation, Partnership or Individual

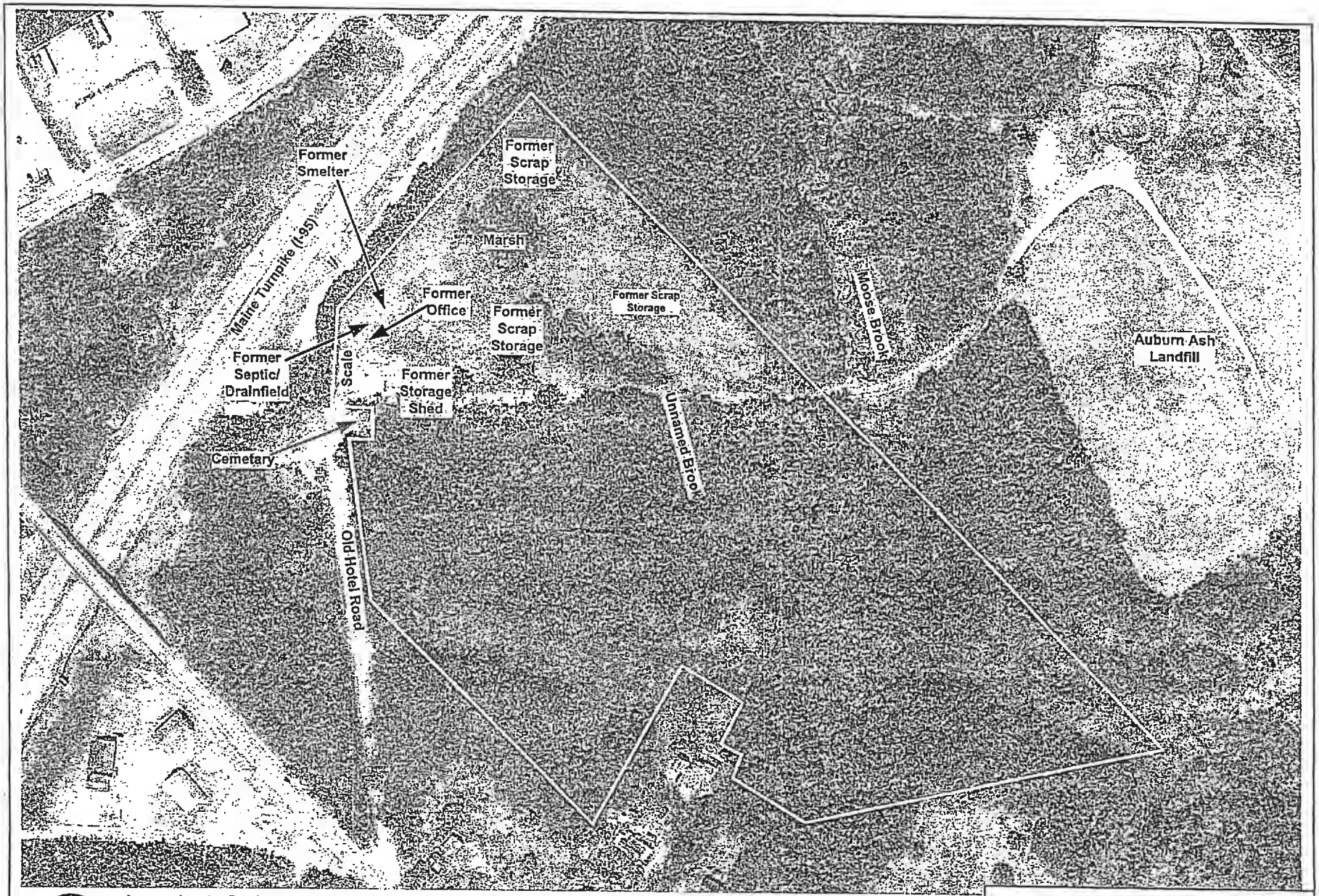
Address: 11 Times Square NY, NY

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 79
Lot No. 017 & 018
Zone 13

Check correct direction:
- ☐ North
- ☐ East
- ☐ West
- ☐ South

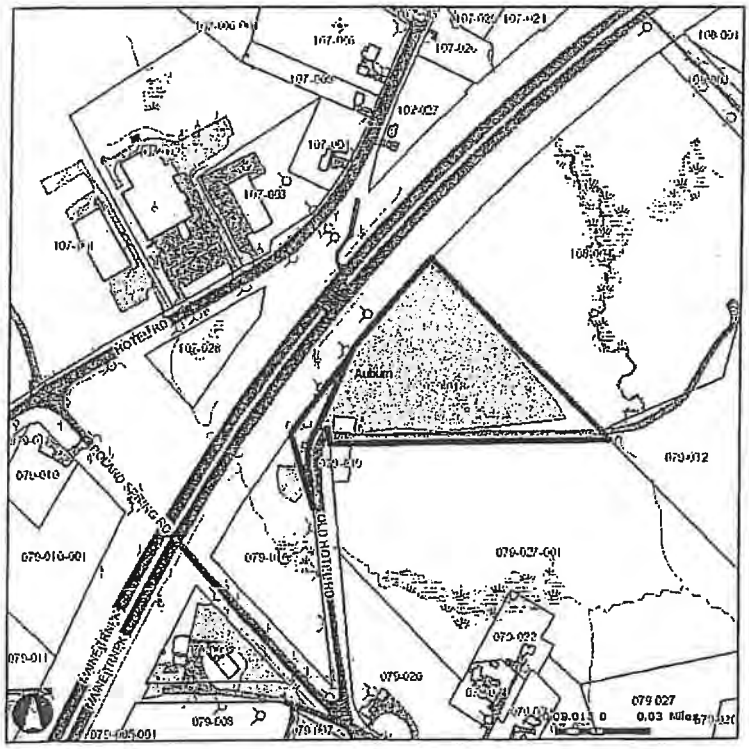
1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)



Danville
79 Old Hotel Road, Danville, ME
MRB Northeast

RIEKE CONSULTING SERVICES, LLC

Map



079-017 (1)

Parcel IDs (1)

OBJECTID	OBJECTID_1	MAP	LOT	SUBLOT	PID	CHANGED	ParcelID	Loc	NBC	Webpro	AccountNumber	UserAccount	Number_	AltStreet	StreetName	LocCity	CondoUnit	Owner1	Owne
880	981	079	017	000	079017000	Null	079-017	80 OLD HOTEL RD	R3	WebPro Summary Page	238	079017000	80	Null	OLD HOTEL RD	Null	Null	MILLER ISADORE T CO INC	Null

079-018 (1)

Parcel IDs (1)

OBJECTID	OBJECTID_1	MAP	LOT	SUBLOT	PID	CHANGED	ParcelID	Loc	NBC	Webpro	AccountNumber	UserAccount	Number_	AltStreet	StreetName	LocCity	CondoUnit	Owner1	Owr
155	966	079	018	000	079018000	Null	079-018	79 OLD HOTEL RD	I3	WebPro Summary Page	239	079018000	79	Null	OLD HOTEL RD	Null	Null	MILLER ISADORE T CO INC	C/O SCHN. STEEL

ORDER 113-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Randy's Auto Parts, Inc., 899 Broad Street.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 114-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for M & P Auto, Inc., 227 Merrow Road.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 115-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 116-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 117-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Road.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING AUGUST 21, 2023, VOL. 37 PAGE 69

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items - None

II. Minutes - August 7, 2023, Regular City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the August 7, 2023, Regular City Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Communication - Recycling update (City Manager Crowell)
- Council Communications (about and to the community)

Councilor Staples reported on attending the National Night Out event and thanked City staff for putting that on.

Councilor Gerry also reported on attending the National Night Out event and echoed the comments made by Councilor Staples.

Mayor Levesque announced that the Blues and Brews Fest will be held on September 9th at Festival Plaza. He announced that there will be an open house at the new Edward Little High School on Sunday, August 27th from 2:00 to 5:00 pm. There will be a ribbon cutting, speeches followed by tours of the new high school. Anyone attending should enter on Western Avenue. This is a rain or shine event.

City Manager Crowell reported that tax bills went out and they show the Homestead exemptions as zero, however the exemptions show up on the bills as "other" instead. He apologized for the error. He reported that Movie Night in the Park will be held at the PAL Center on September 1st at 8:00 pm. He also announced that the PAL Center had their backpack give away where 256 back packs were given out.

IV. Open Session

Mara King, 59 Davis Avenue commented recycling and the information she just heard during the City Manager's update. She stated that residents need more education on composting and recycling.

Scott Berry, 179 Davis Avenue provided handouts to Councilors regarding something he read in the Sun Journal that a representative from the City of Auburn stated during a meeting of the Androscoggin County Commissioners that the current courthouse could be demolished. He spoke about the potential to repurpose the building into a fine arts museum.

V. Unfinished Business - None

VI. New Business

1. Order 110-08212023
Directing the City Manager to report back to Council relating to cost, funding source, and location of a proposed Aquatic Center/Feasibility Study.

Motion was made by Councilor Walker and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Whiting opposed).

2. Order 111-08212023
Allocating $50,000 out of the American Rescue Plan Act (ARPA) funds for Safe Voices.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment – Elise Johansen, Executive Director of Safe Voices stated that they are requesting funding from the City to help to renovate their Resource Center. She stated that she would also like to request that the City Council consider funding more than $50,000 if additional ARPA funds are available.

Motion was made by Councilor Milks and seconded by Councilor Hawes to amend by increasing the amount to $100,000.

Passage 4-3 (Councilors Morin, Walker, and Gerry opposed).

Passage as amended 5-2 (Councilors Walker and Gerry opposed).

3. Order 112-08212023
Allocating $20,000 from the American Rescue Plan Act (ARPA) funds to the Boys & Girls Club of Southern Maine – Auburn Clubhouse with $10,000 to be the "Presenting Sponsor" for the "Fall for the Kids" fundraising event and an additional $10,000 for additional Auburn Programming.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke. Councilor Walker invited Gary Violette, Director of the Auburn Boy's & Girl's Club, to the podium to speak.

Passage 7-0.

VII. Open Session – No one from the public spoke.

VIII. Reports

Mayor Levesque reported that the first meeting of the committee on Naming Facilities and Infrastructure was held last week and the next meeting is scheduled for September 12th at 4:00 pm.

Councilor Walker thanked the volunteers that worked with him at the Balloon Festival. The Age Friendly group had a table set up selling beverages. He also reported that the Age Friendly Committee will be holding another clothing giveaway, at the Auburn Public Library on October 7th. Anyone with donations can reach out to him and he will pick up the items if needed. He also thanked the Public Works department for the work they've done in Anniversary Park.

IX. Executive Sessions – Personnel matter (City Manager evaluation) pursuant to 1 M.R.S.A. Sec. 405(6)(A).

Motion was made by Councilor Milks and seconded by Councilor Walker to enter into executive session.

Passage 7-0. Time in 7:42 pm.

Council was declared out of executive session at 8:00 pm.

X. Adjournment

Motion was made by Councilor Morin seconded by Councilor Walker to adjourn.

Unanimously approved and the meeting adjourned at 8:00 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Order:** 118-09052023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: North River Road land swap

Information:
The City currently owns parcel 271-100-000 (.74 Acres) on North River Road adjacent to 273 North River Road a recently developed residential development. The owner of the development currently owns parcel 261-056-002 (.6 Acres) adjacent to the cities public boat launch on North River Road. The parcels being of similar size and of no current particular value to the owning party are deemed to be worth similar values. By exchanging these parcels each has a greater potential future value.

City Budgetary Impacts:
Minimal increase in tax revenue with no additional costs.

Staff Recommended Action:
Approve the order as presented.

Previous Meetings and History:
None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
None

ORDER 118-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that that City Council hereby authorizes The City Manager to execute a real estate transaction to swap City owned parcel 271-100-000 for privately held parcel 261-056-002 and any associated paperwork required.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Ordinance:** 11-09052023

Author: Katherine Cook, Planning Coordinator

Subject: Consider a proposed text change to Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023.

Information: This text amendment to Sec. 60-458B- Front Setback, Principal was initiated by a citizen's petition which asks to codify the interpretation of where to measure the front setback from. This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots. Because staff recommends additional changes to the text of the zone in conjunction with what the petition proposed, amending the ordinance with each of these changes included is preferable.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council vote **not to approve** first reading of the petition-initiated amendment to T-4.2B. Staff recommends instead to consider the changes that are presented as the next item in the Council packet.

Previous Meetings and History: July 7, 2023- Planning Board Public Hearing and vote to table until the next meeting; August 8, 2023- Planning Board Public Hearing and recommendation to not amend the ordinance as described.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Recommendation to City Council, Planning Board Staff Report, draft amendment to Sec. 60-549, signed and notarized citizen petition, Draft Ordinance 11-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on a citizen petition-initiated zoning text amendment affecting T-4.2B.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider a proposed text change to Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2013. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map. This item was tabled at the July 11, 2023, meeting.

MOTION: Evan Cyr; Second: David Trask.

"I make a motion to recommend that the Council not amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023." **VOTE**: Motion passes 7-0-0.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210 www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report: Petition to amend T-4.2B zoning text
Date: August 8th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and subsequently tabled by the Planning Board to a date certain (August 8th, 2023) on the July 11, 2023 Planning Board meeting. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.

II. Background: Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A) Zoning map and text changes may be appropriate where the serve to support the goals of the Comprehensive Plan.

Staff currently understands that front setbacks in T-4.2B zoning districts may be measured from shared accessways, private ways, and shared parking areas. This petition seeks to clarify this understanding by adding the underlined language to Sec. 60-548B as follows: "Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of the principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. **Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.**"

This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots.

In the petition's explanation, the circulator intends for the added language confirming setback interpretation to be applied to the approval of past projects to this point, and notwithstanding M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects. Staff acquired legal counsel on the intention for this language change to apply retroactively, and as such, recommends that the Board not consider retroactive because the language was not included in the petition for the amendment to change the text in the asterisk (*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B.

Planning Board Action: Staff suggests planning board forward a negative recommendation to Council on the proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and recommend that they not consider the retroactive language suggested in the description of the petition.

III. Suggested Reasons and Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, Text with public Notice, on June 12, thus meeting submission standards (Sec. 60-1446).
2. The text amendment is consistent with the current comprehensive plan and the intent of the existing ordinance text and diagrams.
3. The text and intent of the petition can be clarified in a different way and the Board will review that later this evening.

V. Suggested Motion: I make a motion to recommend that the Council not amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023.

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

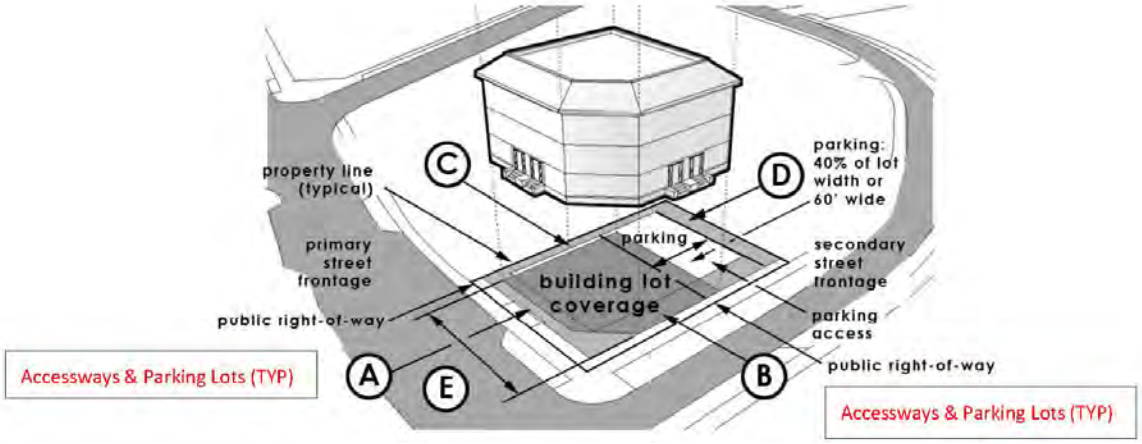
The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

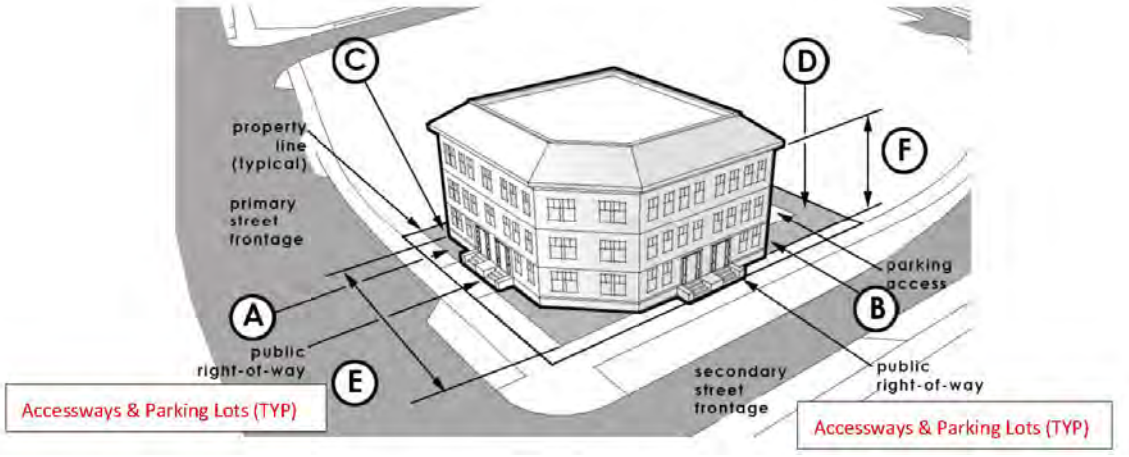
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



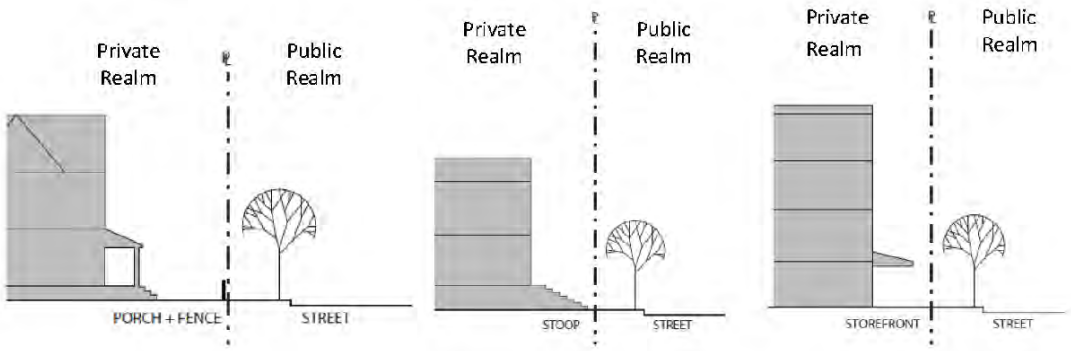
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.3. External elements T-4.2B.

Front yard fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

East Auburn – Citizens' Petition

REZONING PETITION

MUNICIPALITY Auburn TOTAL VALID 38 TOTAL INVALID 5

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 6/12/2023 Signature of Registrar: Susan F. Pepin

DATE & TIME PETITION RECEIVED
6/12/2023
1:42

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Ordinance to add clarity. The proposed change includes an amendment to change the text in the asterisk (*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B . *Front Setback, Principal* for Traditional Neighborhood T-4.2B to add the underlined language as follows

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	5 ft. Min/, 25 ft. Max*	(A)
(Corner Lot) Front Setback, Secondary:	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian access way or parking area.

Explanation: One of the primary tests of a zone change is its conformance with the Comprehensive Plan. GROWTH AREAS Type A [Residential] The Traditional Neighborhood Development (TND) District requires that new development be designed to minimize the number of vehicular access points to existing collector or other roads; shared driveways are encouraged; and dimensional standards be established that relate to the size and width of the lot. A copy of that Comprehensive Plan section is attached and marked as Exhibit A. The City has adopted the T-4.2B zoning district to meet the goals of the TND District in the Comprehensive Plan by encouraging the use of shared driveways and limiting vehicular access points to Collector roadways, the new Ordinance was intended to allow for front setbacks in the T-4.2B district to be measured from Access Ways and Parking areas on internal, shared access points. This amendment clarifies the existing text to advance the shared access point objectives of the Plan; confirms the interpretation of the dimensional requirements of the T-4.2B zoning district adopted by the planning board in its approval of projects to date; and notwithstanding 1 M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects.

25

Print Name	City of Auburn Legal Address	Signature
Patricia Coulombe	19 AQUAMARINE Ct.	Patricia Coulombe
LORRAINE CÔTE	527 Merrow Rd, Aub.	Lorraine Côté
ROLAND BERGERON	527 MERROW RD AUB	Roland Bergeron
Rebecca J. Cote	465 Merrow Rd Auburn	Rebecca J. Cote
RAYMOND MARCHESSAULT	90 HOWARD AVE. AUB, ME	
DIANE H. DENNIS	40 ROYAL OAKS DR. AUB, ME	Diane H. Dennis
ROGER MOREAU	588 LAKE ST AUBURN ME 04210	Roger Moreau
Anita L. Moreau	588 Lake St. Auburn, Me. 04210	Anita L. Moreau
RAY BIRON	124 Broadview Ave Me 04210	Ray Biron
Shirley Biron	124 Broadview Ave Me 04210	Shirley Biron
Paul R. Morin	16 CLIFF ST. Auburn 04210	Paul R. Morin
Maureen A. Morin	16 Cliff St Auburn 04210	Maureen A. Morin
RONALD PEYSER	19 DEERFIELD DR. AUBURN 04210	
REX Anthony Norris	503 Auburn, ME Park AVE 04210	Rex Norris
Mary Tucker	6 Rosewood RD. Auburn, ME	Margaret Tucker
Gerry Tucker	6 Rosewood RD. Auburn ME	Gerard M. Tucker
Ronald Vaillancourt	470 Merrow Rd, Auburn ME	
MARK VAILLANCOURT	470 MERROW RD, AUBURN, ME	Mark Vaillancourt
Donald Weeks	852 Washington St Auburn me	
Pauline Perrier	150 Mill St. Auburn, ME	Pauline Perrier
Diane Caron	204 Bowdoin St	Auburn, ME
CAROL DeROY	68 Aquamarine Ct.	Carol DeRoy
London Morrissette	81 Briarcliff knoll, Auburn, ME	
DORIS MARCHESSAULT	81 BRIARCLIFF KNOLL, AUBURN, ME	Doris Marchessault
Jessica Klimek	81 Briarcliff Knoll, Auburn ME	
ASHTON MORRISSETTE	81 BRIARCLIFF KNOLL, AUBURN ME	Ashton Morrissette

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I CAROL DeROY
of 68 Aquamarine Ct., Auburn, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted. _____

Signature of Circulator

Carol A. DeRoy

Printed Name CAROL DeROY

Subscribed to and sworn before me on this date June 10, 2023 (Date must be completed by Notary)

Mitzie A. Turnbull

Signature of Notary

Mitzie A. Turnbull Printed Name

Date my Notary Commission expires: March 2, 2028

MITZIE A. TURNBULL
Notary Public - Maine
My Commission Expires Mar 2, 2028

Print Name	City of Auburn Legal Address	Signature
Gavin M. [illegible]	6 Canter Court Unit 12	
Donna Desjardins	6 Canter Ct Unit 8	Donna Desfardins
John Desjardins	6 Canter Ct Unit 8	
Karen Burschick	15 Belmont Ct Unit 2	
Derek Marineau	16 Belmont Ct Unit 11 Auburn, ME 04210	
Kim Demo	8 Belmont Ct, Unit 6 Auburn, ME 04210	
Karen Michaud	16 Belmont Ct #7 Auburn, ME 04210	
Terese Lemelin	15 Belmont Ct #7 " " 04210	
Jennifer Fournier	70 Gillander Ave Auburn, Me 04210	
Michael Fournier	70 Gillander Ave Auburn ME 04210	
Abigail Prosser	70 Gillander Ave Auburn, ME	
Jordan Cummings	999 Pownal Road Auburn, ME	
Austin Fournier	70 Gillander Ave Auburn ME	
Latoria Tomlinson	8 Belmont Court #1 Auburn ME	
Alyssa Labbe	8 Belmont Court #1 Auburn ME	
Timothy Burge	16 Belmont Ct #1 Auburn, Me 04210	
Randy Robbins	114 Fish Hatchery Rd Auburn	

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Abigail Prosser
of Auburn, ME, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted. Abi Pro

Signature of Circulator

Abigail L. Prosser

Printed Name

Subscribed to and sworn before me on this date 06/09/2023 (Date must be completed by Notary)

Signature of Notary

MATTHEW WILLARD

Printed Name

MATTHEW WILLARD
Notary Public - Maine
My Commission Expires Oct 4, 2023

Date my Notary Commission expires: 10/04/2023

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Jessica Klimek
of Auburn, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted.

Signature of Circulator

Jessica Klimek

Printed Name

Subscribed to and sworn before me on this date 06/10/2023 (Date must be completed by Notary)

Signature of Notary

Sequoia Hoinsky Printed Name

Date my Notary Commission expires: September 19, 2029

SEQUOIA HOINSKY
NOTARY PUBLIC
State of Maine
My Commission Expires
September 19, 2029

Exhibit A

In addition to the Future Land Use Map, four detail maps ([redacted]) show the future land use designations for specific portions of the community, including Downtown, New Auburn, Minot Avenue, and Center Street.

FUTURE LAND USE PLAN VISION STATEMENT:

As a model of carefully managed growth, Auburn seeks to **grow outward from the historic cores within our city** and be known for its **strong, vibrant neighborhoods**. The city is committed to making careful, effective, and **efficient use of land and corresponding services, while strengthening the character of our neighborhoods**, ensuring that resources exist to maintain and enhance the quality of life for current and future residents. Auburn's continued commitment to **strong community connections**, embracing opportunity, and mindful growth should be **balanced with natural resource conservation** and woven into the city's unique identity.

1. GROWTH AREAS –

Type A: Development Areas
Designation: Residential

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water ([redacted]). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update ([redacted]). The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should

be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

SUBURBAN DEVELOPMENT DISTRICT (SD)

Objective – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water (see Figure 2-5). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Suburban Development District generally follows the boundaries of the Multifamily Suburban and Suburban Residential Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Suburban Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Recreational Uses of Land
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 8 units per acre with no minimum road frontage required, shared driveways are encouraged. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-20 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

Designation: Nonresidential and Mixed Use

FORM-BASED CODE DEVELOPMENT DISTRICT (FBCD)

Objective – Stabilize and promote continued investment in the City's high-density neighborhoods which include a mix of housing types including multi-unit buildings to assure that they remain safe, attractive areas in which residents want to live (see Figures 2-3 and 2-4). To this end, the district should allow property owners to upgrade their properties, and for infill development and redevelopment/reuse to occur, as long as it is compatible with the character of the neighborhood.

Allowed Use – The Form-Based Code Development District generally follows the boundaries of the Form-Based Code (Transects 4.1, 4.2, 5.1, 5.2 and 6), in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Form-Based Code Development District:

- Low and High Density Residential Dwelling Units
- Home Occupations
- Civic Uses
- Office/Service Type Uses
- Retail Type Uses

Development Standards – The reuse/reconfiguration of existing buildings for residential purposes should be allowed without consideration of density/lot size requirements, provided that

ORDINANCE 11-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B, specifically adding an asterisk (*) to the Table of PRINCIPAL BUILDING PLACEMENT, *Front Setback, Principle for Traditional Neighborhood T-4.2B* and adding the following underlined language to the same section: "Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area."

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Ordinance:** 12-09052023

Author: Katherine Cook, Planning Coordinator

Subject: Consider a proposed text change to Sec. 60-548B, T-4.2B 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, building placement on lot, frontage buildout, 3.) Sec. 548B.2 common or porch yard stoop yard frontage storefront type, building envelope articulation, ground and upper story building façade.

Information: On July 7, 2023, The Planning Board help a public hearing on a citizen petition-initiated change to T-4.2B which sought to further define how to measure front setbacks. At this time, staff suggested that there are other elements of the ordinance in addition to adding language to Sec. 60-5480-Front Setback, Principal. Specifically, that there should be more flexibility and simplicity in applying the ordinance to single family and two-family homes. This proposed amendment offers language to clarify the point from which one may measure front setback on their property, and reduce the frontage buildout restrictions on single family, and two-family homes, and dwellings with an accessway that is shared by more than one structure. Staff is recommending these changes because it is plausible that such restrictions, if they remain, could cause undue burden to a smaller developer, and hinder the goals to reduce access points onto public streets.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council adopt the first reading of the attached amendments to T-4.2B.

Previous Meetings and History: July 7, 2023- Planning Board initiated request to consider additional amendments to T-4.2B following the T-4.2B citizens petition that was tabled at this same meeting; August 8, 2023- Planning Board Public Hearing and recommendation to amend the ordinance as described.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Recommendation to City Council, Planning Board Staff Report, draft amendment to Sec. 60-549, draft ordinance and Ordinance 12-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on a staff0-recommemnded amendments to T-4.2B text.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider a proposed text change for Sec. 60-548B, T-4.2B pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, building placement on lot, frontage buildout, 3.) Sec. 548B.2, common or porch yard stoop yard frontage storefront type, building envelope articulation, ground and upper story building façade.

MOTION: David Trask; Second: Evan Cyr.

"I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

1) Sec. 60-548B- 1. Intent and Purpose "setback",

2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,

3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.

4) Amendment to the note (*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area. (As shown in the attached Ordinance Amendment Document)"

VOTE: Motion passes 6-1-0.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report: Staff Recommendation Text Amendments to T-4.2B to Add Clarity
Date: August 8th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B.

II. Background: Staff currently understands that additional clarity is desired for the text of the T-4.2B Zoning District. The current text of the T-4.2B form-based codes does not differentiate between residential single-family homes, development of small infill lots and special exception/subdivision development of larger lots. Some clarification is recommended that effects frontage buildout, setback measurements and general clerical items.

Staff suggests that the Board consider language similar to the previous petition in addition to amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration to decrease the minimum frontage buildout for residential lots. The proposed language and changes are attached. Staff recommends that the Planning Board hold a Public Hearing, and vote on the amendments to the zone.

Planning Board Action: Staff suggests planning board hold a public hearing and vote to recommend approval of the ordinance amendments(attached).

III. Suggested Reasons and Finding of Fact:

1. The text amendment is consistent with the current comprehensive plan.
2. The proposed text amendment clarifies the intent of the existing ordinance and encourages shared access ways for multiple buildings to minimize curb openings on public streets.
3. The amendment modifies the T4.2B text to allow additional flexibility and simplify permitting for one and two-family homes.

V. Suggested Motion: I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

1) Sec. 60-548B- 1. Intent and Purpose “setback”,

2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,

3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.

4) Amendment to the note (*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(As shown in the attached Ordinance Amendment Document)

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment~~,~~ and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building ~~set-backs~~setbacks~~-~~ form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Illustrative View of T-4.2B

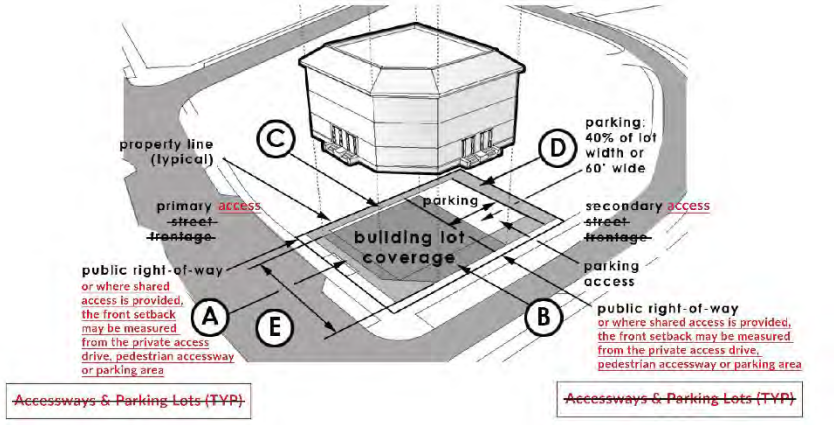
Sec.60-40(b) Table update

Characteristic Features

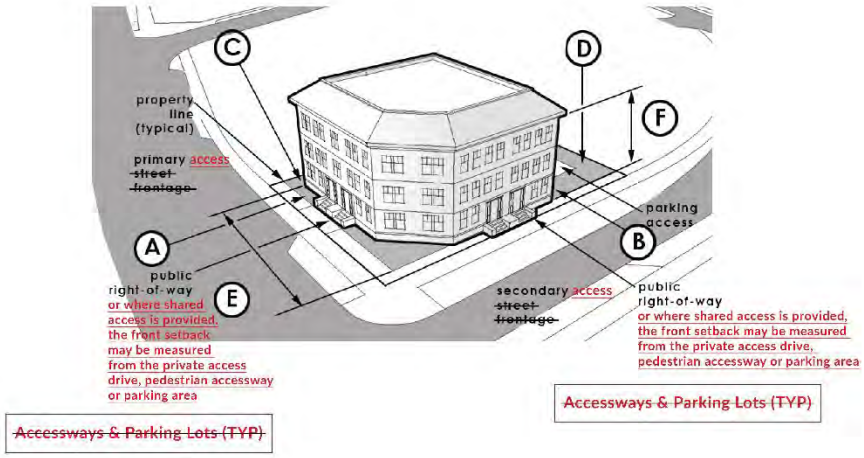
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



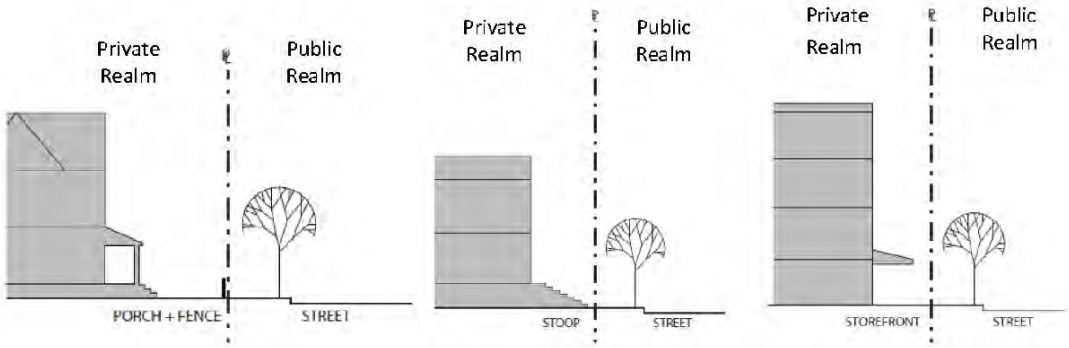
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary) for commercial and multi-family uses and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal – Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential with one or two units – No minimum and maximum window and door area applies. Residential with three or more units- Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Residential structures with one or two units – No minimum and maximum window and door area applies. Residential structures with three or more units and Commercial - Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-4. Zoning districts.

(a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.

(b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
Form Based Code Regulating Plan:		
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	T-4.1
Traditional Neighborhood (Transect 4.2B)	Residential/Commercial	T-4.2B
Traditional Downtown Neighborhood (Transect 4.2)	Residential/Commercial	T-4.2
Downtown Traditional Center (Transect 5.1)	Residential/Commercial	T-5.1
Downtown City Center (Transect 5.2)	Residential/Commercial	T-5.2
Great Falls Metropolitan (Transect 6)	Residential/Commercial	T-6
Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	MHO

(Ord. of 9-21-2009, § 1.2; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 56, 3-15-2021)

ORDINANCE 12-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B, adding ** Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B and to add the zoning district Traditional Neighborhood (Transect T-4.2B) to Sec. 60-4-. zoning districts as shown in the attached draft ordinance language.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Ordinance:** 13-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area A1".

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area A1, generally located in the New Auburn area near South Main and Broad Streets and Vickery Road, from the Urban Residence, Multifamily Suburban, Neighborhood Business, Low Density Rural Residence (Rural Residential), and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B and Conservation/Open Space zoning districts. Area A1 is part of Area A, which was presented to the Planning Board on July 11, 2023. Area A was divided into Area A1 and Area A2 for the August 8 Planning Board meeting so Planning Board and City Council could consider how the proposed zone, T-4.2B, would apply to different parts of this land area, and consider the zone change incrementally.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend area A1 as described, in the attached motion and staff report, and shown on the attached map.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's findings, discuss, hold a public hearing on Area A1 as presented and vote to approve the map amendment.

Previous Meetings and History:

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed map amendment, T-4.2B ordinance text, Appendix A Transporation Document, Form Based Code FAQs, and Ordinance 13-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area A1.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.

MOTION: Paul Jacques; **SECOND**: Darren Finnegan.

"I make a motion to recommends amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1)" **VOTE:** 5-2-0 motion passes.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

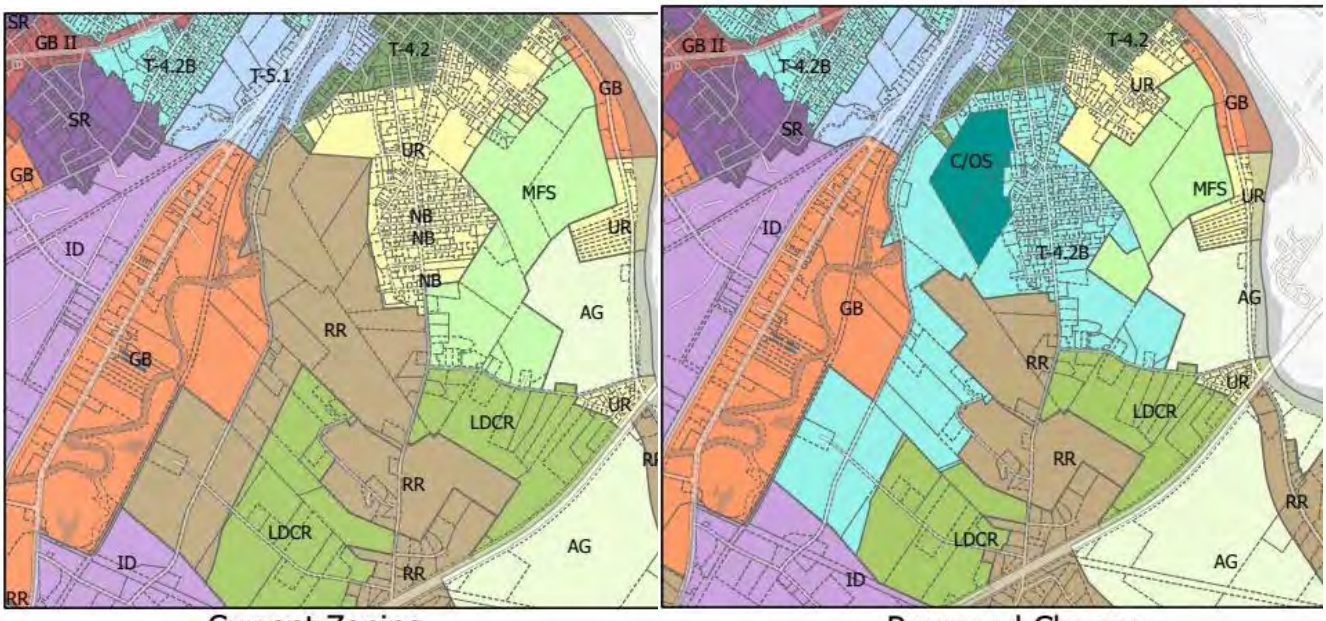
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A1

Date: August 8, 2023

I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A1: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.



Current Zoning | Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four Areas, A-D, across the city.

The July 11, 2023 meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. "Area A" as presented on July 11 has been divided into 'Area A1" and "Area A2". Since portions of the area are more controversial than others, this makes it possible to decide on the two portions individually as shown on the proposed zoning maps.
2. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
3. Two parcels, Sherwood Forest, and the adjacent parcel owned by Androscoggin Land Trust are proposed to be changed to a Conservation Open Space zone to reflect their public use and to make it clear that they are not available for T-4.2B development.

III. **Traditional Neighborhood Development District:** *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the

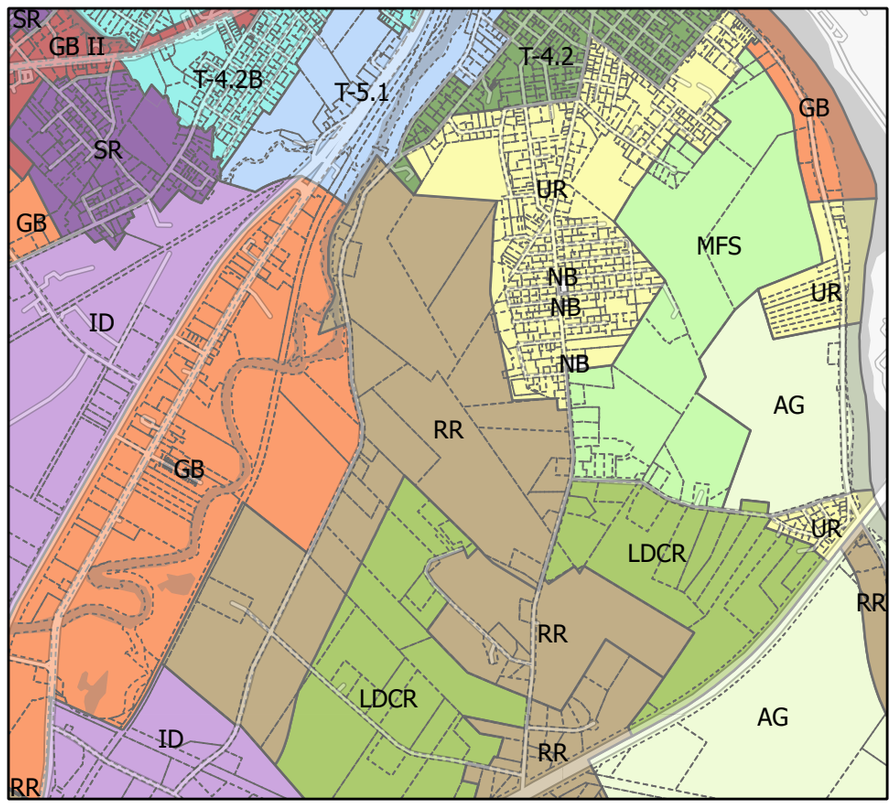
size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Suggested Findings, Reasons and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B and Conservation Open Space as shown on the attached proposed zoning map (Area A1) with the following suggested findings:

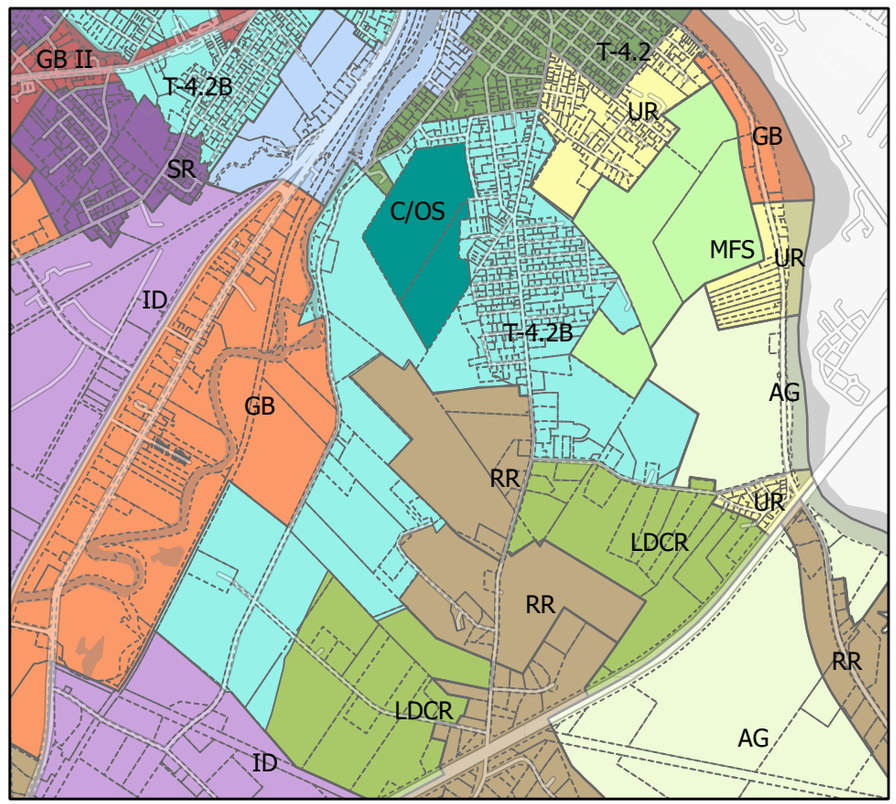
1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A1 Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A1 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks as proposed alleviates this challenge.
9. The current zoning in Area A1 only allows single-family and two-family homes, limiting housing affordability, production and who can live in Auburn's neighborhoods. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many people. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

V. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1).

Area A1



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

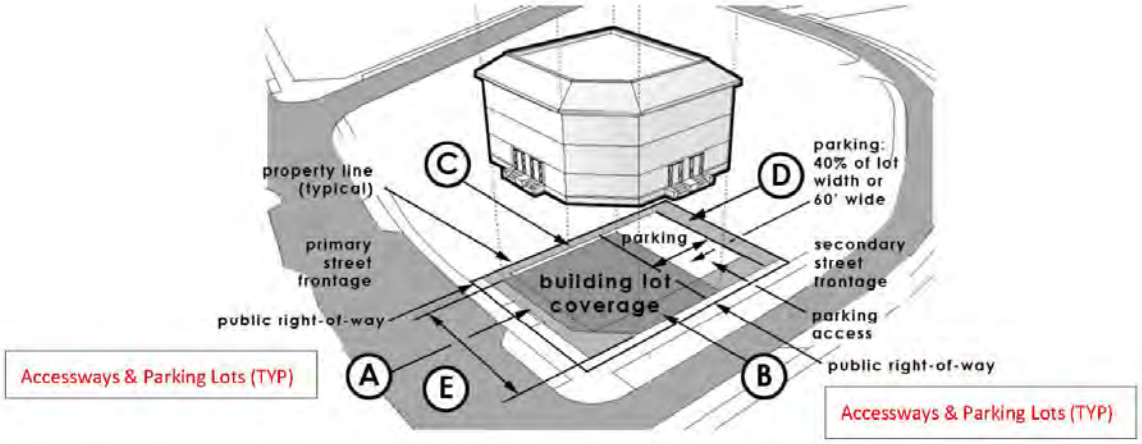
The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

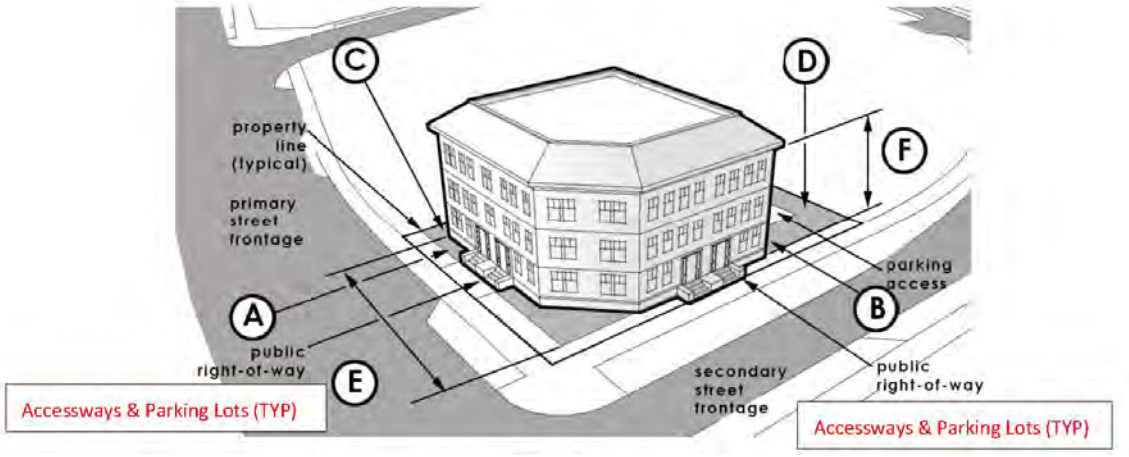
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



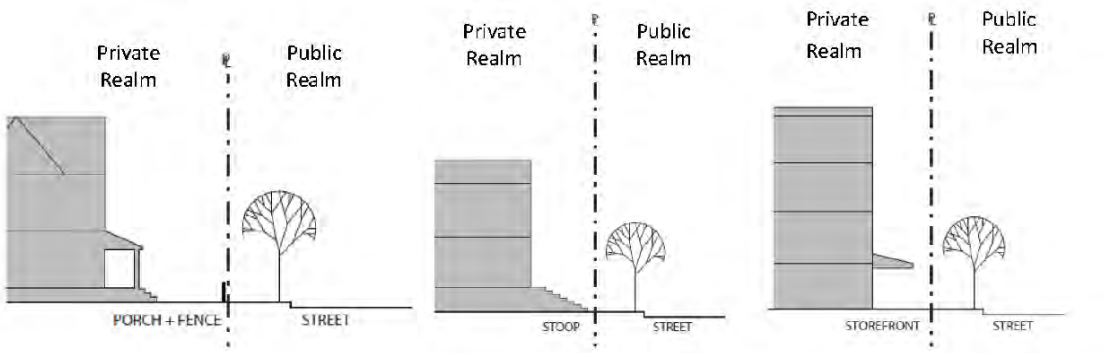
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.3. External elements T-4.2B.

Front yard fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

Appendix A: Transportation Goals: This applies to Area A1, A2, Area B1 & B1. Future plan regarding Washington Street also connect to Area C.

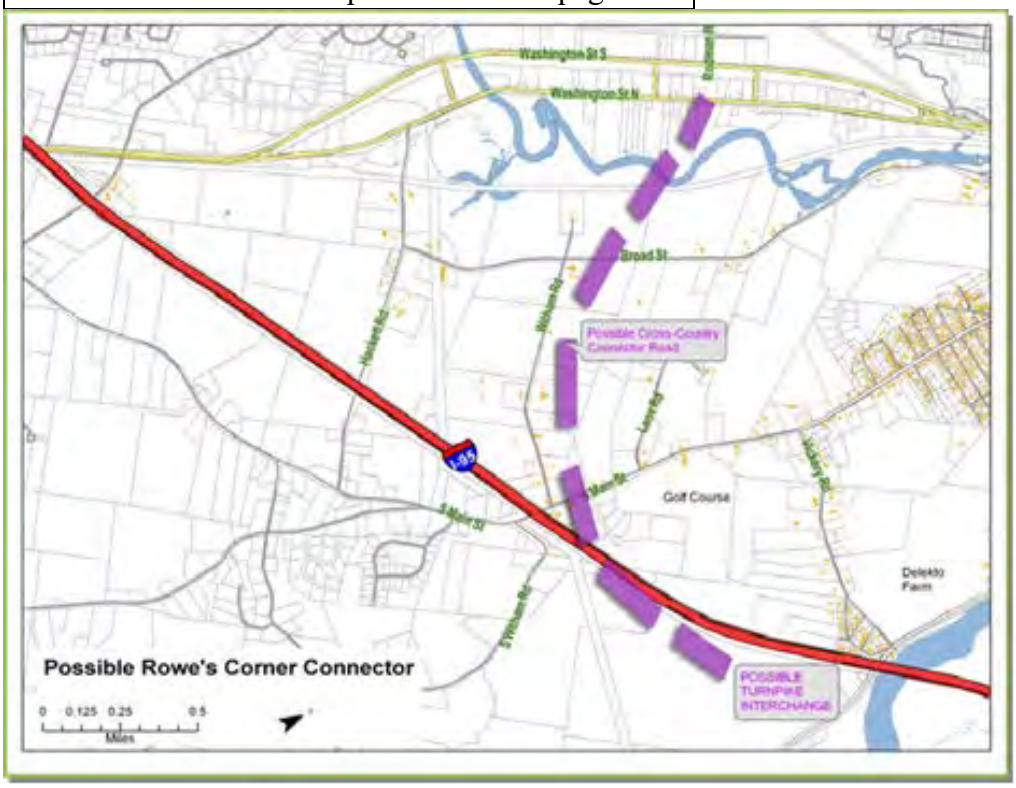
"Goal G.1: Auburn supports real-estate growth patterns that fully utilize the utility of all road networks in the city, making necessary additional connections between road networks to advance this goal…"

1. The full utility of the Maine Turnpike and Washington Street have not been integrated into residential growth patterns in Auburn. Previous efforts to integrate the Turnpike focused on industrial/commercial growth, which is no longer recommended in the Comprehensive Plan.
2. The New Auburn area is dominated by streets running north to south with limited east to west connections. The Little Androscoggin and Androscoggin Rivers have driven that development history and the Comprehensive Plan specifies recommendations to establish broader east-west connectivity. Developing a grid network as projects are proposed under site plan review will allow for priority streets to serve both local uses and regional mobility and keep through traffic out of neighborhoods.
3. Developing a connected grid of streets will need to be part of site plan review to avoid creating congestion and safety issues in key areas of New Auburn village and Danville.

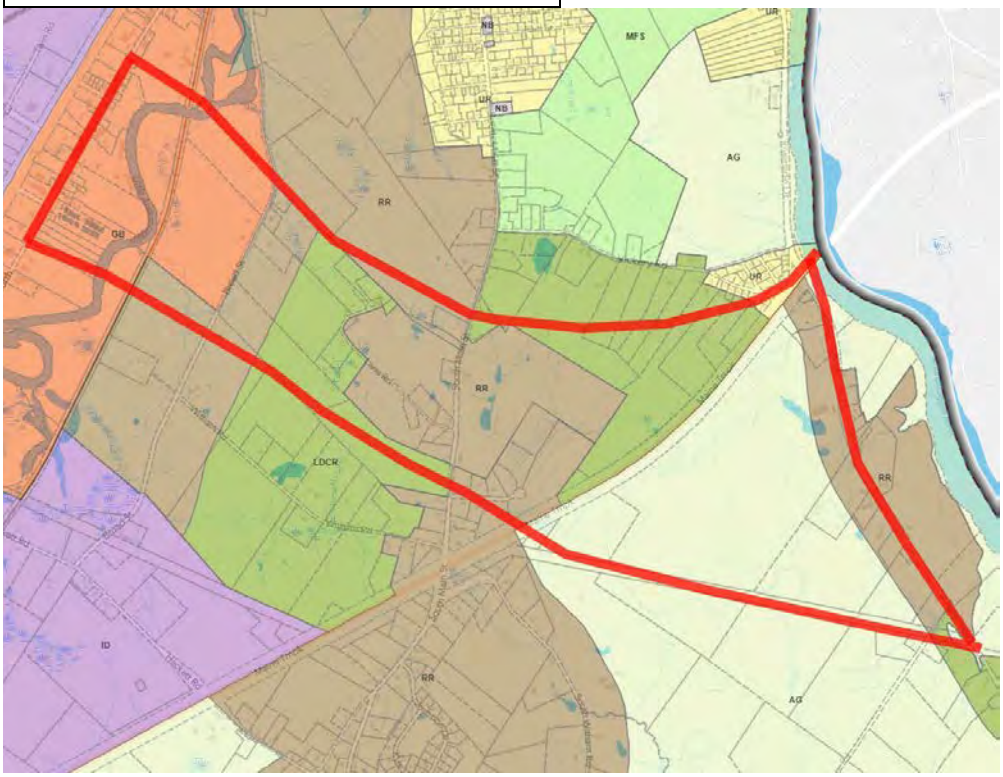
"Goal G.2: Auburn has a well-designed–and functioning road network that safely and equitably moves all manner of users (cars, buses, bikes, and pedestrians) into and through the community while expanding traditional residential neighborhood growth patterns in Danville and New Auburn. Expansions in neighborhood growth are in keeping with traditional transportation network patterns, such as interconnected streets that provide multiple travel patterns, avoiding a rigid hierarchy of streets."

1. Additional residential growth at the densities already in place in the core neighborhood will have an impact on the existing road network in New Auburn. Implementing this comprehensive plan goal is done through increased density allowed in zoning and the establishment of an interconnected street grid, over time, resembling the existing built area.
2. Expansions in transportation capacity, such as connector roads or highway interchanges, are difficult to permit if the goal is "sprawl repair" due to haphazard road layout and inefficient use of land for community growth.
3. New capacity, linked to providing for regional mobility and a protection of neighborhood and village street grids, does provide a strong foundation for pursuing state/federal permitting.

Possible Connector- Comprehensive Plan page 51



Possible Connector Protection Corridor



FREQUENTLY ASKED QUESTIONS

FORM-BASED CODE The Form Based Code Institute defines a form-based code as "a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation."[2] The purpose of implementing form-based code is to provide equitable access to housing in walkable neighborhoods by allowing residential uses at a density driven by the form, lot size and configuration of the lot with less minimum road frontage required and shared driveways encouraged. Form-based code regulates the physical form of the built environment using transects, which are the standardized categories that describe the range or continuum of development types; from T-1 Natural Areas to T-6 Urban Core or City Center with an additional category designated for other uses. Form-based code offers an alternative to traditional zoning laws which separate where we live from where we work, learn, shop, play, and gather. By strictly regulating the setbacks and types of housing, units are built further apart resulting in greater reliance on roads. As an alternative, form-based code promotes walkability by reducing the separation between private and public realms of life. Auburn's form-based code proposes six types of form-based code districts, T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6. These districts range from least urban to most urban. T-4.2B is characterized as the Traditional Neighborhood Development District or General Urban Zone.

How would T-4.2B affect my neighborhood?

Building by form as regulated in T-4.2B will differ based on where you live and the existing neighborhood form. Most city lots are small and already built on, likely limiting additional development to infill housing opportunities and freedom for property owners to add additional units or make improvements to existing homes. Each landowner can decide whether to make changes to their property based on the ordinances and the existing conditions. In general, this zoning opens opportunities for landowners to add value to their property.

Would higher density in the city core make the traffic worse? Adding more housing, though may add more vehicles to the road in the short term, will allow the city to fund projects to improve current road conditions, and invest in improving circulation patterns throughout the city. Increasing density will also make Auburn a more viable location to extend pedestrian and bicycle infrastructure, local public transit, and especially commuter transportation to and from nearby metro areas like Boston, Portland, and more.

Form based code encourages building closer to the street, creating the illusion of narrower roadways which are proven to slow down vehicles. This zoning encourages and supports safe pedestrian traffic, over time also decreasing reliance on vehicles.

More units will mean more kids who need education. Will T-4.2B make this worse for already strained educators?

Applying form-based code could improve the state of Auburn's schools. Over the past several years, students enrolled in Auburn public schools have been stagnant and falling. Fairview can absorb another 100 students, Walton can absorb another 150, and East Auburn is close to capacity but could absorb about 20 more students. Altogether, the district could absorb up to 500-600 more students.

A reliable marker for determining enrollment trends in schools is the rate of preschool enrollment. Superintendent, Dr. Connie Brown, noted in 2022 that preschool enrollment has been decreasing over the past several years resulting in needing to close Walton Preschool and reducing the hours of East Auburn preschool. She noted that there are other schools that may need to close if they cannot increase enrollment.

The school district can, and in some cases will need to absorb more students, though it is also struggling with attracting and retaining teachers. The recommended monthly house payment is 28% of a person's income. The entry level pay for a teacher is $42,000.00, a firefighter starting wage is $45,000.00 plus average OT is $10,000 for a total of $55,000.00, and a police officer with OT is $65,000.00. The average price of an existing, entry level home is $267,500.00 and the average cost of a new entry level home is $318,000. Based on the 28% recommendation, a person would need to make $87,450.00/ year to afford an existing entry level home, and 104,6000.000/year to afford a new entry-level home. People working the above noted jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the city that they work in. A teacher and fireperson living together still could not afford a single-family home in the city where they work. Dr. Brown stated that her number-one reason for teacher resignations is that they found another job closer to where they live. Housing options need to reflect different families and individuals' lifestyles and incomes.

How might new zoning affect the housing crisis?

In his article, "3 Zoning changes that Make Residential Neighborhoods More Affordable", Founder and Director of the Urban Sustainability Accelerator and Institute for Sustainable Solutions at Portland State University, Robert Liberty, identified eliminating single-family-residential-only zoning as an important factor to make residential neighborhoods more affordable. Multifamily housing is outlawed in about 75% of the country which poses a significant barrier for low to middle income residents by reinforcing housing segregation and increasing reliance on cars.

Form-based code allows mixed uses and businesses among homes. What does this mean? What can I expect?

T-4.2B will allow uses other than single family including small businesses with a residential unit on the same parcel. Businesses shall not be over 1,500 square feet. Drive-through restaurants are not allowed in T-4.2B and cannabis shops are also prohibited. There are some businesses that

will be prohibited, and most will require Special Exception Approval from the Planning Board, with Public Notice and Hearing, depending on the size and type.

WHY CONSIDER APPLYING FORM BASED CODE TO THESE FIVE AREAS:

1. The proposed zone change will **increase housing opportunity** for more people by lowering barriers to finding housing. Auburn's housing supply is limited and is not increasing fast enough to accommodate both current residents and those who want to call Auburn home. Housing scarcity drives up prices and increasing the supply of housing will lower the cost overtime.
2. The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young families, empty nesters, older adults and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community be allowing neighbors to live close to and among each other.
3. Current traditional zoning laws tend to separate where we live from where we work, learn, and shop and force us to center roads over all other aspects of city design. These roads, as they are today, are dangerous to pedestrians and cyclists. We have an over-reliance on cars and Auburn's form-based code is meant to provide an alternative. T-4.2B **encourages walkability** by allowing uses that are not exclusively residential in moderately dense urban environments. There will not be walkability if there is nowhere to walk to. Encouraging infill and small business growth encourages walkability by giving folks spaces to walk to. Suburban sprawl as it exists limits transportation to folks who have a car and assumes that there will be little to no walking. It champions cars and roads over people and centralized communities.

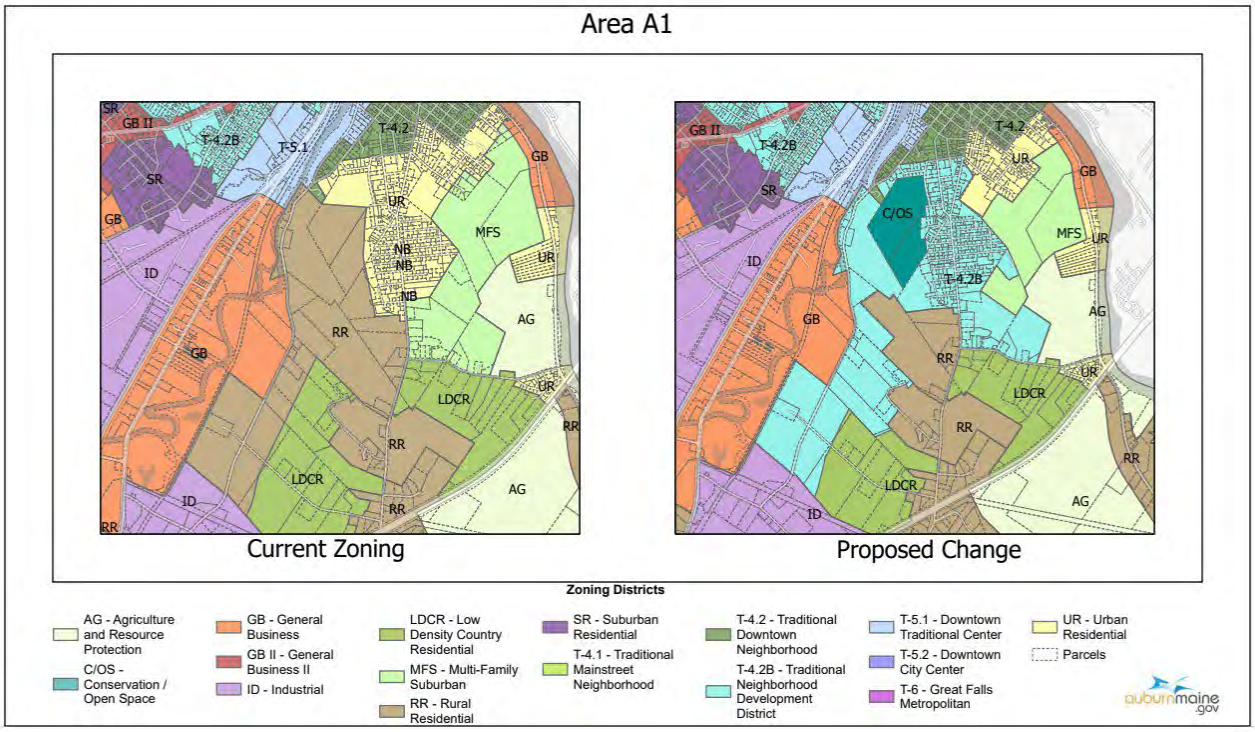
ORDINANCE 13-09052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR, MFS, NB, RR, and LDCR zoning to T-4.2B in Area A1

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district as shown on the attached map.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Ordinance:** 14-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area A2".

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area A2, generally located near South Main, Loring, Mary Carroll and Seventh Street, from the Urban Residence and Multifamily Suburban zoning districts to the Traditional Neighborhood Form Based Code T-4.2B and Conservation/Open Space zoning districts. Area A2 is part of Area A, which was presented to the Planning Board on July 11, 2023. Area A was divided into Area A1 and Area A2 for the August 8 Planning Board meeting so Planning Board and City Council could consider how the proposed zone, T-4.2B, would apply to different parts of this land area, and consider the zone change incrementally. A1 and A2 meet near Loring Ave and South Main St.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend area A2 as described, in the attached motion and staff report, and shown on the attached map and the vote failed 3/4. The Board followed up with a motion to not recommend approval and the motion passed 4/3.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's findings, discuss, hold a public hearing on Area A2 as presented and vote to approve first reading.

Previous Meetings and History:

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

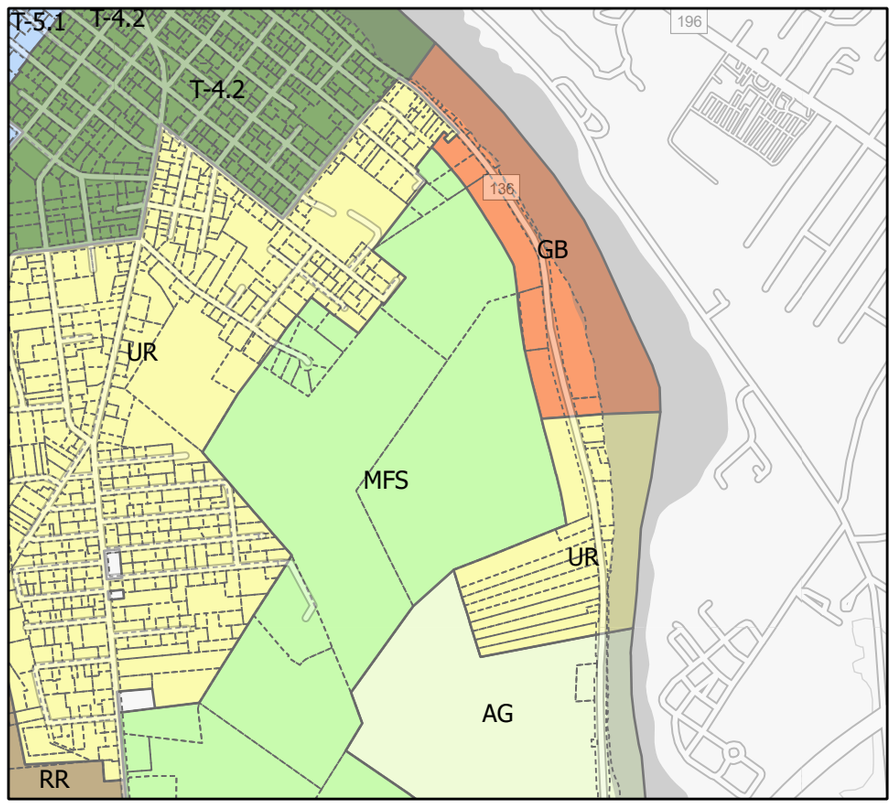
September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

City Manager Comments:

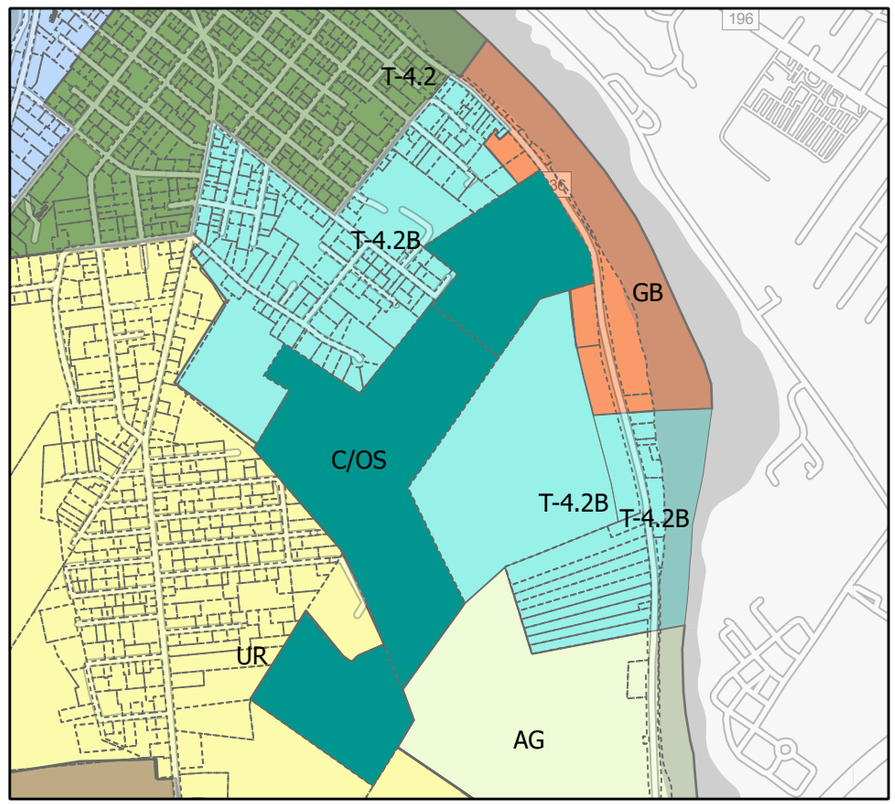
I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed map amendment, Ordinance 14-09052023.

Area A2



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

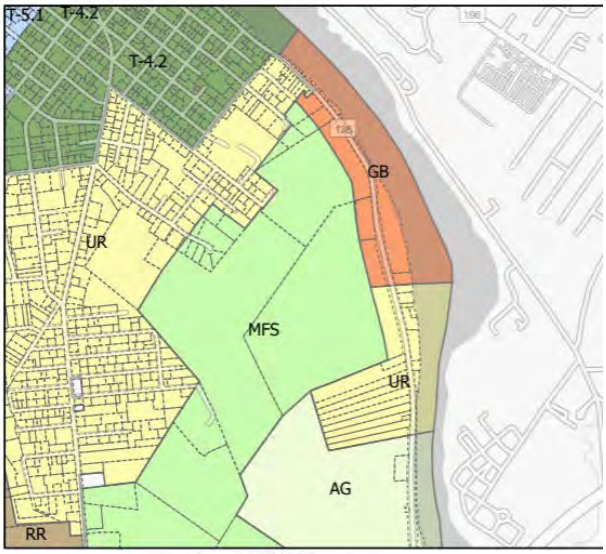
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

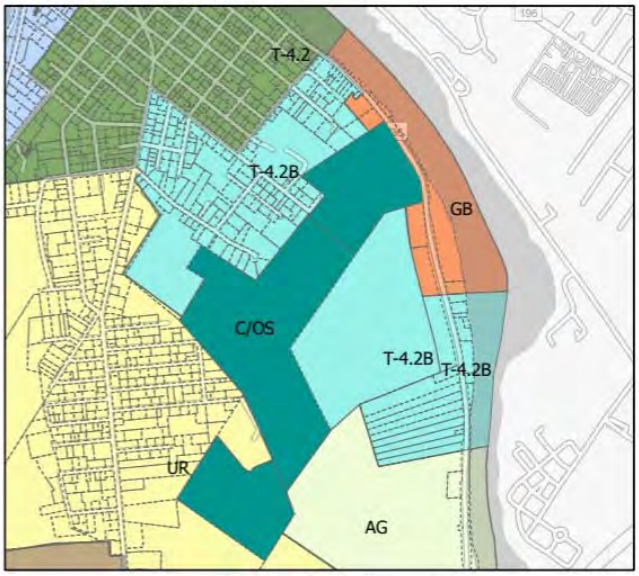
Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A2

Date: August 8, 2023

I. **Public Hearing/ Zoning Map Amendment/ T-4.2B Area A2:** Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.



Current Zoning



Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city. The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of

the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. "Area A" as presented on July 11 has been divided into 'Area A1" and "Area A2".
2. Area A2 is located near Mary Carroll St., Seventh St., to South Main St., and Loring Ave., where area A2 and A1 meet.
3. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
4. Three parcels, Huston Field, and the adjacent parcel owned by Androscoggin Land Trust, and Oak Hill Cemetery are proposed to be rezoned to Conservation Open Space to reflect their public/neighborhood use.

III. Traditional Neighborhood Development District: *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Transportation Goals*: See Appendix A.*

V. Suggested Reasons, Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A2 Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A2 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks alleviates this challenge.
9. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003, and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

VI. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning

district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area A2.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.

MOTION: Evan Cyr; **SECOND**: Darren Paul Jacques.

"I make a to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map." **VOTE:** 3-4-0 motion fails.

MOTION David Trask; **SECOND:** Toni Ferraro.

"I make a motion to not recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on

the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map." **VOTE:** 4-3-0 motion passes.

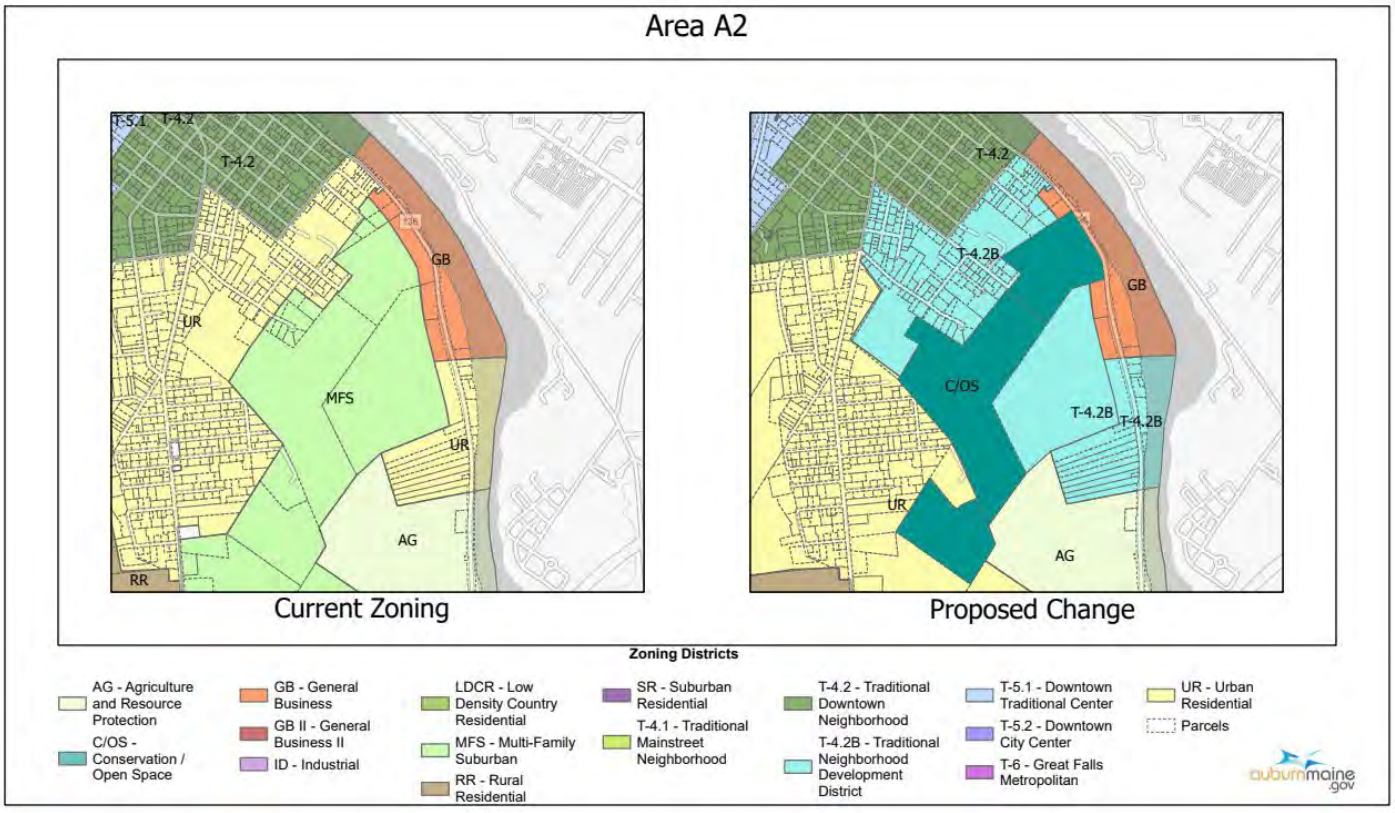
ORDINANCE 14-09052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area A2

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. as shown on the attached map.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Ordinance:** 15-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area C".

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area C, generally located near Poland, Rodman, Manley and Hotel Roads, from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. After conducting a public hearing, Planning Board is recommending that City Council vote to amend area C as described, in the attached motion and staff report, and shown on the attached map.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's findings, discuss, hold a public hearing on Area C as presented and vote on first reading.

Previous Meetings and History:

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, proposed map amendment, 08/08/2023 staff report, Ordinance 15-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area C.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads.

MOTION: Evan Cyr; **SECOND:** Riley Bergeron.

"I make a to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C." **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

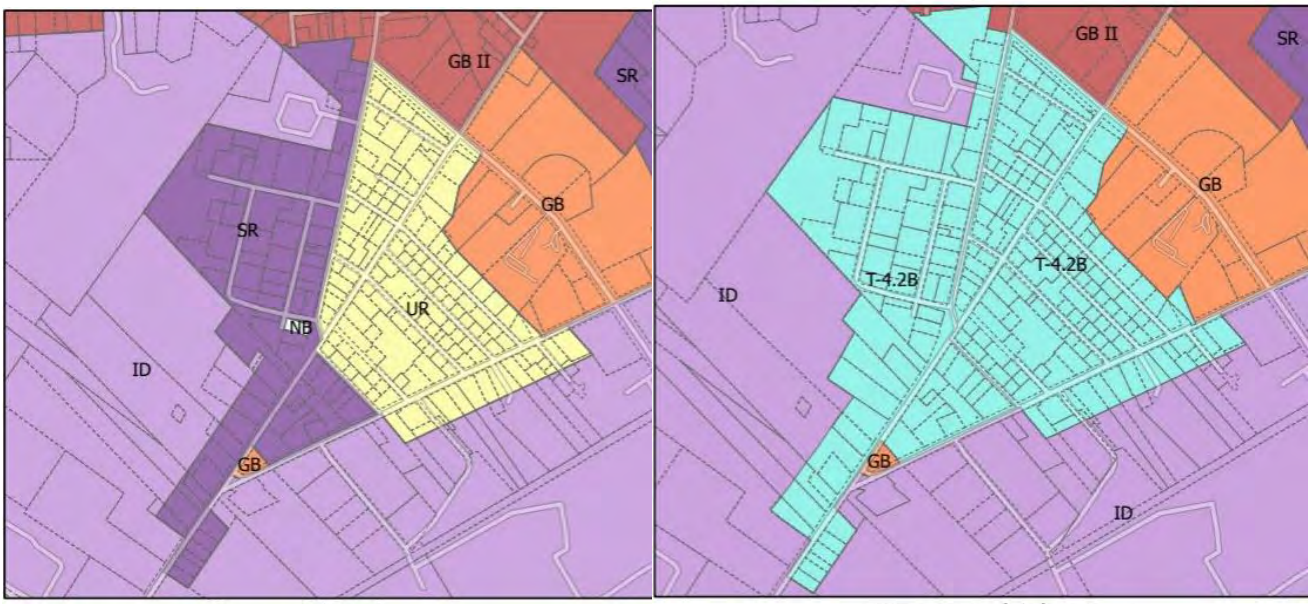
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area C

Date: August 8, 2023

I. Public Hearing/ Zoning Map Amendments/ T-4.2B Area C: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads as shown on the attached map.



II. Background: Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The new zone boundaries were slightly cleaned up from last year's map so that zoning boundaries more frequently follow parcel lines rather than splitting smaller parcels between zoning districts.

III. Traditional Neighborhood Development District: *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

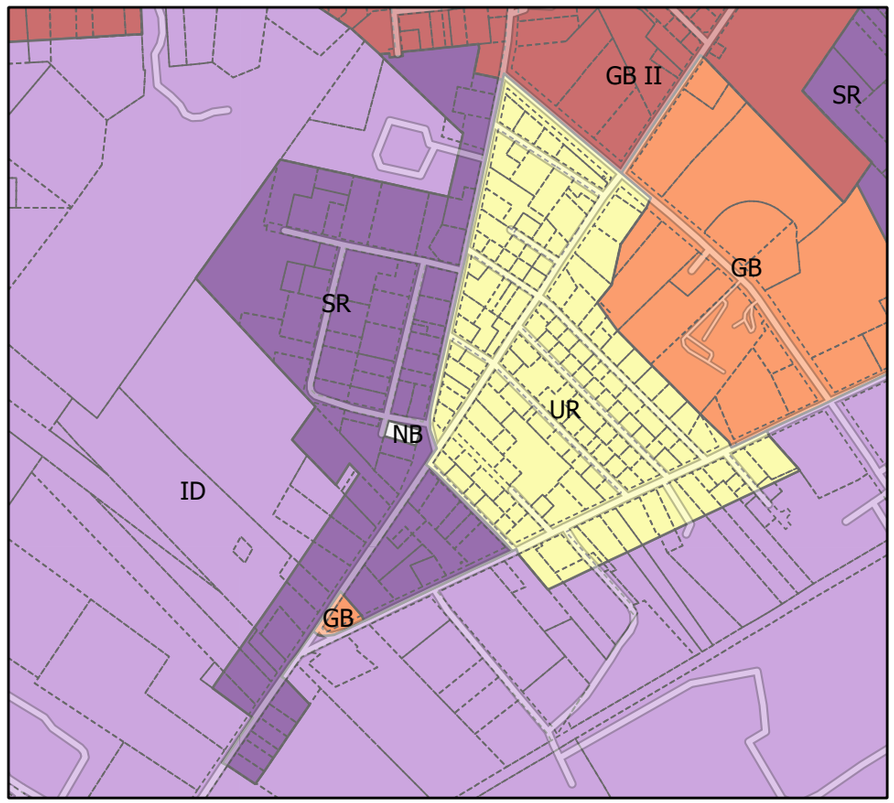
Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Suggested Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area C to T-4.2B with the following suggested findings:

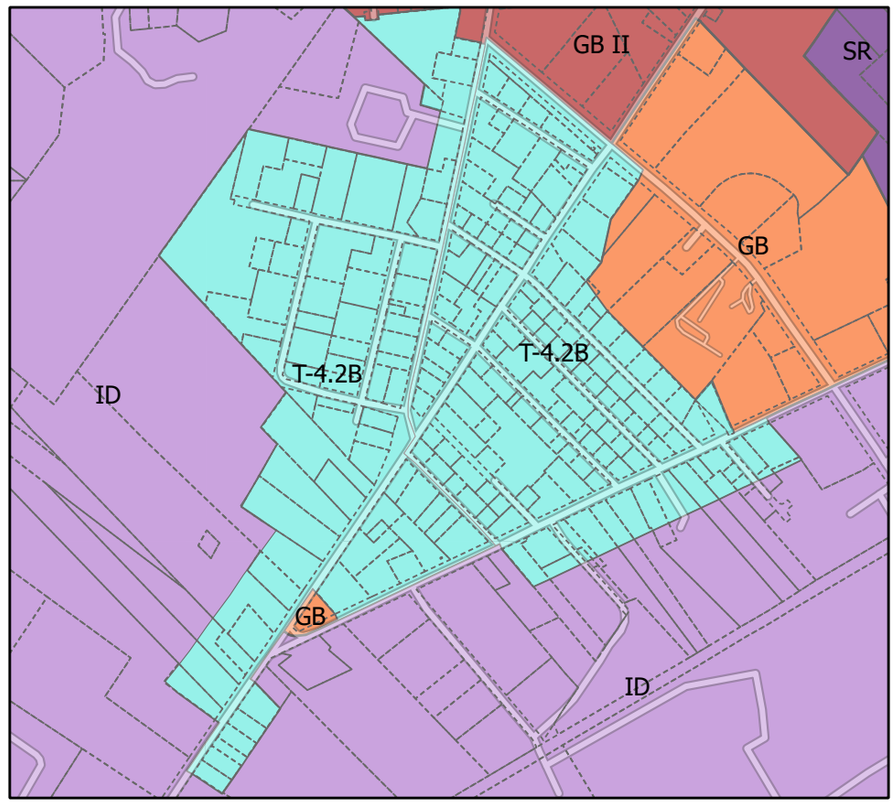
1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals and will be integrated into the Washington Street Corridor roadway and pedestrian connectivity plans.
3. The Comprehensive Plan supports growth in the "city core" which includes Area C. Developing within the city core means more efficient, cost-effective city services to support growth.
4. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
5. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
6. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
7. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
8. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

I. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C.

Area C



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

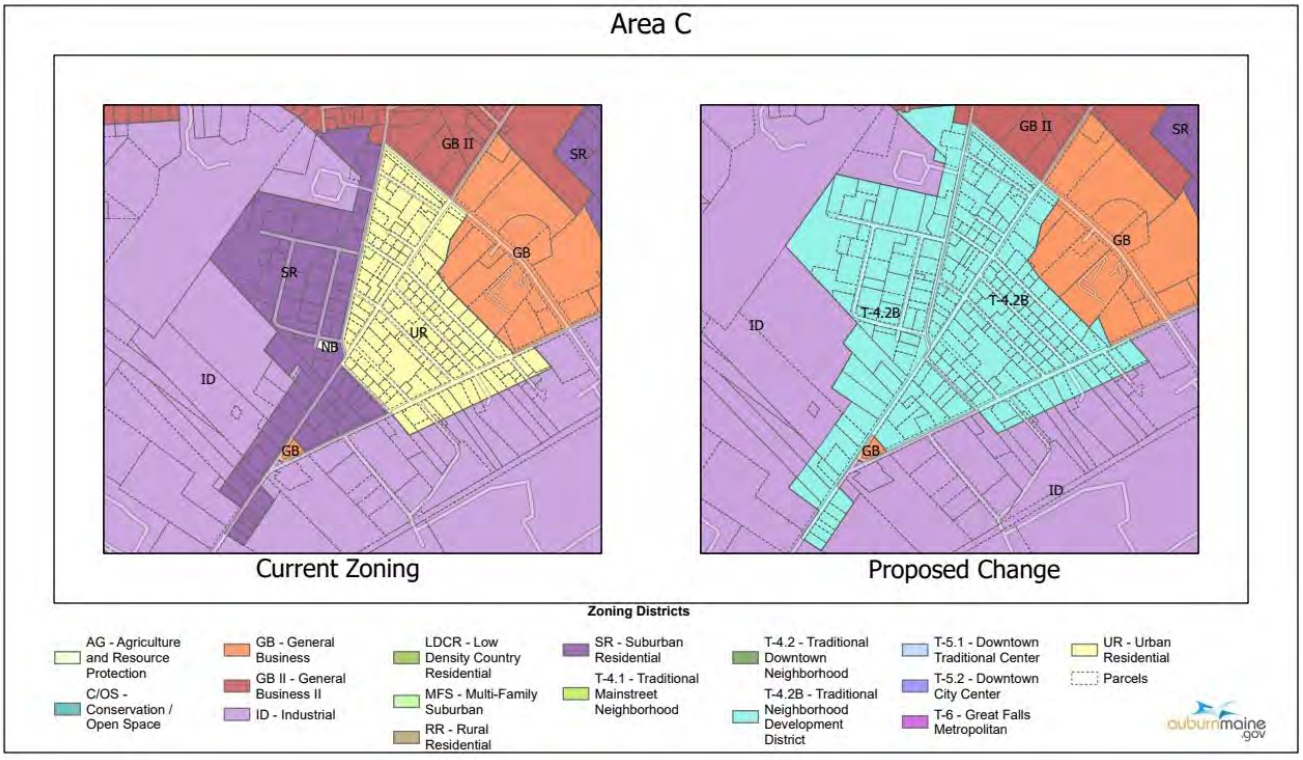
ORDINANCE 15-09052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR, SR, ID, GB, and NB zoning to T-4.2B in Area C

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Order:** 16-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area D".

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area D, generally located near Northern Avenue, North River Road, and Bradman Streets, from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. After conducting a public hearing, Planning Board is recommending that City Council vote to amend area D as described, in the attached motion and staff report, and shown on the attached map.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's findings, discuss, hold a public hearing on Area D as presented and vote to approve first reading.

Previous Meetings and History:

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Planning Board recommendation to City Council, proposed map amendment, 08/08/2023 staff report, and Ordinance.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area D.

Date: 09/05/2023

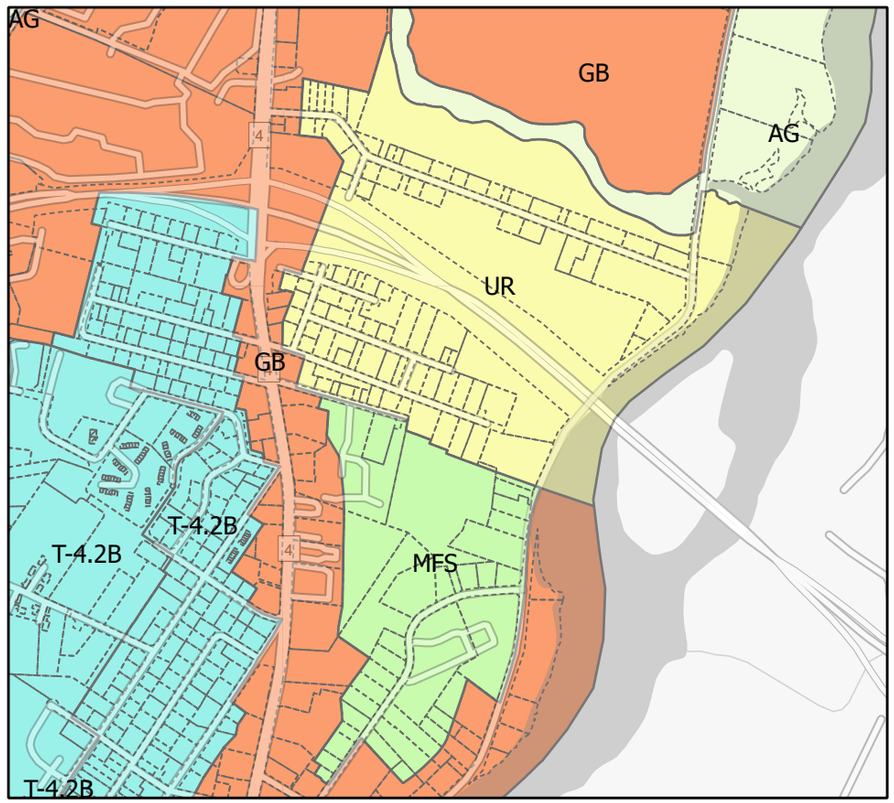
This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road, and Bradman Streets.

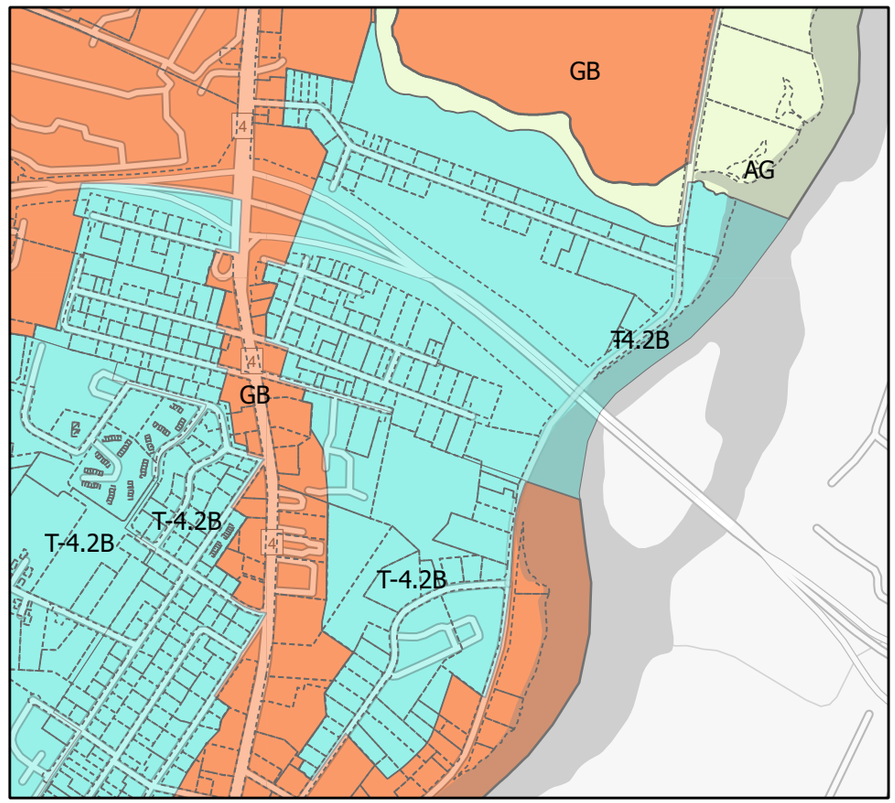
MOTION: Evan Cyr; **SECOND:** Paul Jacques.

"I make a to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.' **VOTE:** 7-0-0.

Area D



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

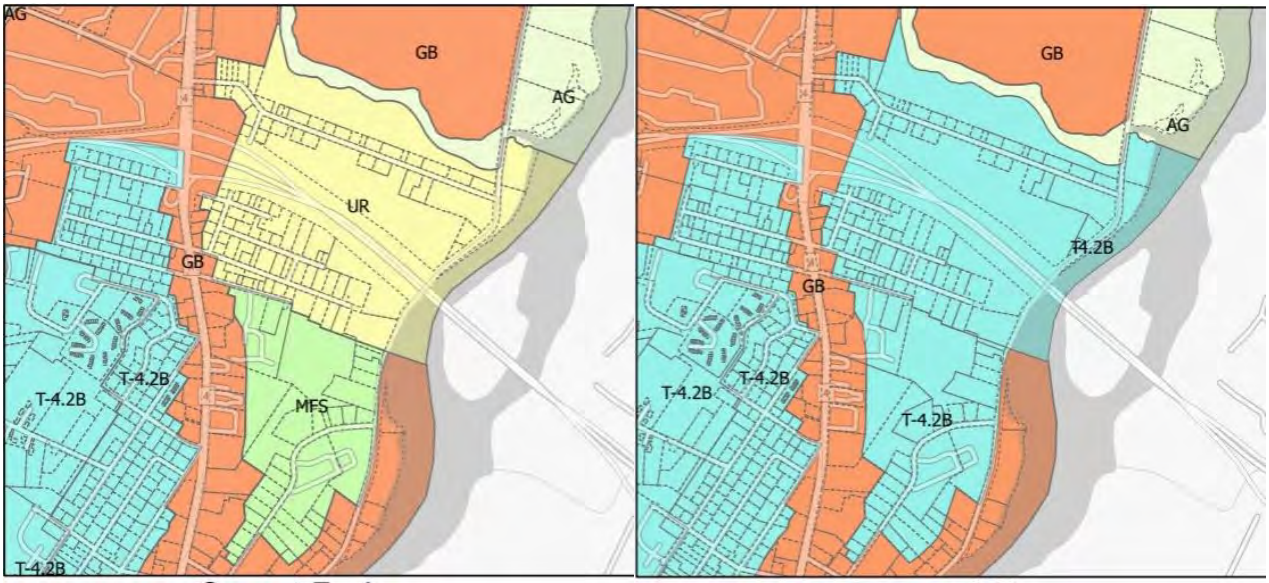
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area D

Date: August 8, 2023

I. **Public Hearing/ Zoning Map Amendment/ T-4.2B Area D:** Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road and Bradman Streets.



Current Zoning Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council.

Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The previous map showed a 100 ft. strip along North River Road to be changed to T-4.2B. The Planning Board gave feedback that they were not comfortable with this strip, and asked instead to show the map without the area north of Bobbin Mill Brook, reducing the acreage considered for Area D.

III. **Traditional Neighborhood Development District T-4.2B:** *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. **Suggested Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area D to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.

2. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
3. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
4. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
5. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. It discards the obsolete zoning construct that requires more land than needed for supporting residences.
6. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for most. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
7. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
8. Form based code is appropriate for this area considering the existing Urban Residential, Multifamily, and General Business zoning.

V. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.

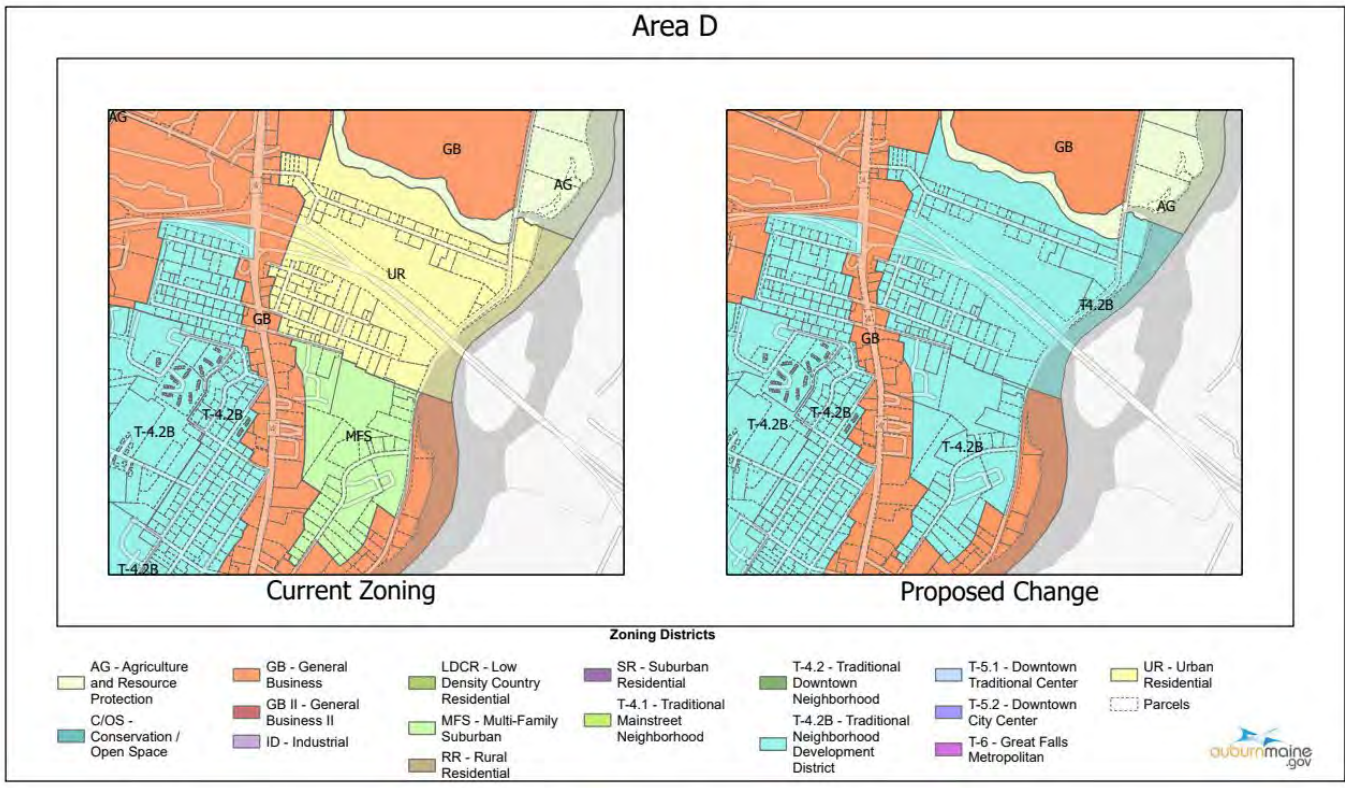
ORDINANCE 16-09052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area D

Be it ordained, That the Auburn City Council Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Ordinance:** 17-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Zoning Ordinance Text Amendment (B1)– Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend the ordinance as follows:

"I make a to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached." VOTE: 7-0-0 motion passes

Amendment 6 that the Planning Board recommended excluding reads as follows: Front. There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.

Amendment 8: No amendment needed. 10-acre conservation cemetery allowance was already adopted by Council and was corrected in the attached ordinance text as adopted.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's recommendation, discuss, hold a public hearing on the text amendment as presented and vote to approve first reading with any exclusions that the Council determines are appropriate. The Changes are summarized and numbered in the Ordinance so they can re referenced as amendments if the Council chooses to approve some and exclude others.

Previous Meetings and History:
July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 17-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B-1 with Planning Board Clarification Amendments #1-8

Date: August 8, 2023

I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B1) Planning Board Proposed Changes Numbers One Through Eight: Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

II. Background: On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve proposal B without the amendments offered in the Planning Board recommendation to City Council on AGRP Zone Proposals A and B (included in this packet) and issued an Order that Planning Board hold a public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B-1 with Planning Board Clarification Amendments #1-8 are complimentary to the existing language and function of adopted Proposal B, and do not seem to impose significant change from the previously approved Proposal B. Proposal B-1 with Planning Board Clarification Amendments #1-8 is summarized below and references each motion from 6/6/2023 prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. Proposal B-1 with Planning Board Clarification Amendments #1-8

1. Add "or two acres, whichever is less" after the word coverage in Sec. 60-145(a)(1)(a). (Motion 1)
   Amendment 1 is intended to concentrate the residential development to a smaller percent of each lot and avoid disrupting more land than is needed.

2. Add "agriculture," in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm. (Motion 2*)

Amendment 2 broadens the uses that would allow for a residential unit to include agriculture uses in addition to farming, natural resource, or recreation.

3. Add "and Sec. 60-145(a)(1)(b)(ii)" in Sec. 60-145(a)(1)(c) after the reference to "Sec. 60-145(a)(1)(a)". (Motion 4)
   Amendment 3 adds the requirement that a bona fide farm plan be presented to staff who will determine whether the proposal meets the ordinance before a certificate of occupancy is granted for a dwelling. In addition to the criteria that residential structures are limited to a footprint of 20% of the lot area or 2 acres, whichever is less.

4. Add "and Sec. 60-145(a)(1)(b)(ii)" in Sec. 60-145 (a)(1)(d) after the reference to "Sec. 60-145(a)(1)(a)". (Motion 5*)
   Amendment 4 adds specification that in order for a dwelling to continue existing, it must continually meet the requirements of a bona fide farm, in addition to keeping the residential footprint to 20% of the lot area or 2 acres, whichever is less.
5. Add "along a publicly accepted street" to 60-146(1) after the word "frontage" (Motion 6).
   Amendment 5 specifies that private ways may not be used as road frontage. This is intended to reduce the possibility of creating new roads for the purposes of developing housing, and generally limits the area able to be developed in the AGRP zone.

6. Add "or 400 feet, whichever is less" to Sec. 60-146(3)(c) after the word "lot".
   Amendment 6 limits the maximum development depth on particularly large lots, thereby reducing land fragmentation and disturbing less earth for the construction.

7. Add "firewood processing, Christmas tree cultivation" to Sec. 145(a)(3) after the word "sugaring".
   Amendment 7 is meant to recognize other common natural resources and timber harvesting practices besides agriculture and forestry. It expands the uses for which a home can be accessory.

8. The updated proposal draft includes Sec. 60-145(b)(8)(c), recognizing that 10 acres is the minimum size for conservation cemeteries. This was previously adopted by the council so it is not shown as a change in this proposed text amendment.
   Number 8 recognizes that the motion was made to include 10-acre conservation cemeteries in the AGRP ordinance, by showing the adopted AGRP text that includes this as condition C.

IV. **Staff Recommendation:** Staff recommend the Planning Board recommend approval of all amendments in proposal B1, with the finding that they are in alignment with or strengthen the existing language and are true to the intent of the AGRP zone based on the Comprehensive Plan and existing Zoning.

V. **Suggested Motion:** I make a motion to recommend approval of the text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text change is attached.

Proposal B-1 with Pl Bd Clarification Amendments #1-8

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

● ● ●

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

● ● ●

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage or two acres, whichever is less of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, agricultural, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, agricultural, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, agricultural, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii).

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest, including, but not limited to, maple sugaring, firewood processing, Christmas tree cultivation, or mushroom cultivation.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.
(10) Handling, storage or processing and sale of forestry products or agricultural products.
(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
(12) Wayside stands.
(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
(15) Marijuana manufacturing accessory to a licensed cultivation site.
(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Sec. 60-1501.
(17) Natural resource uses.
(18) Small-scale recreational uses of land designed or intended for public use.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
a. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
b. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
(5) Non-small scale recreational uses of land intended or designed for public use subject to the following conditions:
a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
b. In cases where no minimum setback is established by division 5 of article XII of this chapter

an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:
   a. At least 20 acres in area
   b. Not located in any environmental overlay district or over any known aquifer.
   c. At least 10 acres if designated a conservation cemetery.

(9) Municipal sanitary landfills, subject to the following conditions:
   a. Not located in any environmental overlay district or over any known aquifer.
   b. Provisions shall be made to avoid surface water and groundwater pollution.
   c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
   a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
   b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:
   a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
   b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
   a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
   b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
   c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
   a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
   b. The proposed use shall not occupy more than 10,000 square feet of building area.
   c. The number of employees shall be limited to not more than 15.
   d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
   e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
   a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
   b. Provisions shall be made to avoid surface and groundwater pollution.
   c. Provisions shall be made to counteract vermin, insects and odors.
   d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
   e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:

(18) [RESERVED]

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under Sec. 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on this subsection 60-145(b)(19)(d). by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state

department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
   1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
   2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
   3. To the extent possible, infrastructure shall not be located on steep slopes; and
   4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:
   1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
   2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage along a publicly accepted street, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

   a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

   b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Sec. 60-2.

   c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing less than ten acres, only if approved pursuant to Sec. 60-145(a)(1).

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.

(3) *Yard requirements.*

   a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B1) Planning Board Proposed Changes #1-8.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2- Agriculture and Resource Protection District. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

MOTION: Evan Cyr; **SECOND** Riley Bergeron.

"I make a to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached." **VOTE:** 7-0-0 motion passes.

ORDINANCE 17-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance, including:

1. Add “or two acres, whichever is less” after the word coverage in Sec. 60-145(a)(1)(a).
2. Add “agriculture,” in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm.
3. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”.
4. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”.
5. Add “along a publicly accepted street” to 60-146(1) after the word “frontage”
6. Add “or 400 feet, whichever is less” to Sec. 60-146(3)(c) after the word “lot”. (Not Recommended by PB)
7. Add “firewood processing, Christmas tree cultivation” to Sec. 145(a)(3) after the word “sugaring”.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Ordinance:** 18-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Zoning Ordinance Text Amendment (B3)– Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed.

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.
After conducting a public hearing, Planning Board is recommending that City Council vote to **not** amend the ordinance as follows:

"I make a motion to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached." VOTE: 6-1-0 motion passes.

AMEND MOTION Evan Cyr; SECOND: Riley Bergeron. "I make a motion to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now" VOTE: 6-1-0 motion passes.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's recommendation, discuss, hold a public hearing on the text amendment as presented and vote **not in favor of** approval of first reading.

Previous Meetings and History:
July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 18-09052023.

Proposal B-3 with Pl Bd Taylor Pond Watershed Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

● ● ●

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

● ● ●

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B3 to the AGRP Zoning Use standards - Planning Board Recommended Amendment to prohibit residences in the AGRP portions of the Taylor Pond Watershed

Date: August 8, 2023

I. **Proposal: Public Hearing/ AGRP Text Amendment (Proposal B3) Planning Board Proposed Change Number Nine:** Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone if they are also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and followed by the City Council passage of Ordinance #10-06202023 on July 10, 2023. The proposed text has been and is available in the Planning & Permitting Department in City Hall.

II. **Background:** On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their prior recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B3 is the Planning Board recommended Taylor Pond Watershed Amendment and has been proposed as separate text and hearing from the others because it is a substantive amendment. The proposed amendment is summarized below (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. **Proposal B3 with Planning Board Taylor Pond Watershed Amendment.**

1. Add "or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map;" in Sec.60-145)(b)(i) after the word "District"
   This is referred to as proposed change number nine, because it was the 9th amendment recommended by the Planning Board on June 9, 2023.

IV. **Staff Recommendation:** We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections(Phosphorus Control) are adequate in the ordinance, and it could disadvantage existing farms, recreational or natural resource

based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional. environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit. building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

V. **Suggested Motion:** I make a motion to recommend that the City Council should **not** approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone and the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

MOTION: Riley Bergeron; **SECOND** Paul Jacques.

"I make a motion to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached." **VOTE:** 6-1-0 motion passes.

AMEND MOTION Evan Cyr; **SECOND:** Riley Bergeron.

"I make a motion to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now" **VOTE:** 6-1-0 motion passes.

Findings/ Reasons as listed in staff report refenced in the motion:

Staff Recommendation: We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections (Phosphorus Control) are adequate in

the ordinance, and it could disadvantage existing farms, recreational or natural resource-based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional. environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit. building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

VOTE on amended motion: 6-1-0 motion passes.

ORDINANCE 18-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Ordinance:** 19-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years.

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.
After conducting a public hearing, Planning Board is recommending that City Council vote to **not** amend the ordinance as follows:

"I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: VOTE: 7-0-0 motion passes.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's recommendation, discuss, hold a public hearing on the text amendment as presented and vote **not in favor of** approval of first reading.

Previous Meetings and History:
July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 19-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B2) Planning Board Proposed Change #10 concerning tax incentive programs.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

MOTION: Evan Cyr; **SECOND**: Riley Bergeron.

"I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B2 with Planning Board Proposed Tax Program 5YR Amendment.

Date: August 8, 2023

I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten: Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and were followed by City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in this packet.

II. Background: On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board recommendation(included in this packet) and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes. The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B2 with the Planning Board recommended Tax Program 5YR Amendment has been proposed as separate text and hearing because it is a substantive amendment. The Amendment is summarized below and references the motion from the 6/6/2023 Planning Board Recommendation prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. Proposal B2 - Planning Board recommended Tax Program 5YR Amendment.

1. Remove "~~Currently~~" before "enrolled", capitalize the "E" in "enrolled" and add "within the last five years" after the word "Program" in Sec. 60-145(b)(vii)(a, b, c). *This is referred to as proposed change number 10, because it was the 10th amendment recommended by the Board in the 6/6/23 recommendations.*

IV. Staff Recommendation: This proposal was initiated to prevent Auburn landowners who have been utilizing the State of Maine Farmland Tax Program, the State of Maine Tree Growth Tax Program, and the State of Maine Open Space tax Program from removing land from this protection in order to build housing. We do not recommend this amendment because a result of this change may mean that someone who has been using the AGRP district as prescribed and intended could be penalized for deciding to build on this land. This

also has the potential to create a disadvantage to existing farmers and rural landowners who have used the land as the AGRP zone intended, in comparison to new landowners or those that have not used the land for agriculture, forestry or public recreation. Under this amendment, someone who has held land in any of the tax programs may not build on their land for five years, even if they meet the other requirements of the AGRP zoning district. In the absence of a five-year moratorium, landowners still need to provide a bona fide plan for farming, agricultural, recreational, or natural resource use before any residential development could occur.

V. **Suggested Motion:** I make a motion to not recommend the amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 9, 2023, Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

Proposal B-2 with Pl Bd Tax Program 5 YR Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

• • •

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that

has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
(v) Avoid being sited on wetlands; and
(vi) Avoid being sited on slopes greater than 25%; and
(vii) Not be sited on any portion of a parcel that is classified as being:

a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or
b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or
c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

ORDINANCE 19-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(vii) Not be sited on any portion of a parcel that is classified as being:

a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or

b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or

c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **ORDER** 119-09052023

Author: Brian Wood, Assistant City Manager

Subject: Public Safety Building – Referendum Question for November 7, 2023, Election

---

Information: In 2011, the Auburn Police Department relocated from its Minot Avenue location to Auburn Hall as a temporary solution due to space needs, costly needed repairs, and upgrades as a cost saving measure for the city. In 2017, a space needs analysis and site evaluation were completed and in 2019, City Council reallocated CIP funds to expand the facility assessment. In 2020, a comprehensive facilities assessment was completed, and an Ad-hoc Committee was established to review the assessment and make recommendations to City Council. A final committee report was presented to City Council in 2022. In August 2023, a presentation was made to City Council with a recommendation to merge both police and fire departments into one public safety facility to be located at 550 Minot Avenue as the most effective measure for both efficient delivery of services and overall costs for the residents of the City of Auburn.

The bond referendum question will state:
Shall the City of Auburn authorize the issuance of general obligation bonds or notes in anticipation of such bonds in the principal amount not to exceed $45,000,000 and appropriate the proceeds of such bonds, together with investment earnings, if any, to fund the construction of a new public safety facility at 550 Minot Avenue in Auburn to house the headquarters of the City's Police Department and Fire Department, including all necessary professional services, real estate acquisition and off-site improvements related to such construction project, costs of issuance and capitalized interest as permitted?

Financial Statement: The issuance of bonds by the City of Auburn is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Auburn as of November 7, 2023:

Principal of Bonds to be Issued if Approved by Voters:	$45,000,000
Estimate of Interest on Bonds to be Issued if Approved:	$37,800,000
Total Debt to be Issued if Approved by Voters:	$82,800,000

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on that amount as well. Principal on the bonds will be repaid in approximately equal annual installments over a period not to exceed 30 years, along with interest, which will be paid semi-annually. The amount of interest to be paid will vary depending on the rate of interest and the years of maturity at the time of issuance, which is expected to be no sooner than 2024. An estimate of the total interest that may reasonably be expected to be paid on the issue submitted herewith for authorization is $37,800,000, based

on an interest rate of 4.00%. The total principal and interest to be paid over the life of the bonds on the issue submitted herewith, if authorized, is thus estimated to be $82,800,000.

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the foregoing estimate of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

City Budgetary Impacts:

Principal of Bonds:	$45,000,000.00
Interest on Bonds:	$37,800,000.00
Total 30-year Debt:	$82,800,000.00

Staff Recommended Action: Order that the City Clerk, through the City Manager, place the referendum question before the residents of the City of Auburn on the November 7, 2023, election ballot.

Previous Meetings and History: August 7, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: None

ORDER 119-09052023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby directs the City Clerk through the City Manager to place the following referendum question before the residents of the City of Auburn on the November 7, 2023, election ballot:

Shall the City of Auburn authorize the issuance of general obligation bonds or notes in anticipation of such bonds in the principal amount not to exceed $45,000,000 and appropriate the proceeds of such bonds, together with investment earnings, if any, to fund the construction of a new public safety facility at 550 Minot Avenue in Auburn to house the headquarters of the City's Police Department and Fire Department, including all necessary professional services, real estate acquisition and off-site improvements related to such construction project, costs of issuance and capitalized interest as permitted?

Financial Statement: The issuance of bonds by the City of Auburn is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Auburn as of November 7, 2023:

Principal of Bonds to be Issued if Approved by Voters:	$45,000,000
Estimate of Interest on Bonds to be Issued if Approved:	$37,800,000
Total Debt to be Issued if Approved by Voters:	$82,800,000

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on that amount as well. Principal on the bonds will be repaid in approximately equal annual installments over a period not to exceed 30 years, along with interest, which will be paid semi-annually. The amount of interest to be paid will vary depending on the rate of interest and the years of maturity at the time of issuance, which is expected to be no sooner than 2024. An estimate of the total interest that may reasonably be expected to be paid on the issue submitted herewith for authorization is $37,800,000, based on an interest rate of 4.00%. The total principal and interest to be paid over the life of the bonds on the issue submitted herewith, if authorized, is thus estimated to be $82,800,000.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the foregoing estimate of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Jill Eastman

Treasurer, City of Auburn

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Order** 120-09052023

Author: Councilor Belinda Gerry

Subject: ARPA funding allocation Literacy Volunteers - Androscoggin

---

Information: Literacy Volunteers – Androscoggin, is requesting the City of Auburn allocate $5,700.00 from their American Rescue Plan Act (ARPA) funds. Funds will help serve 30 adults in Auburn for one year.

In October of 2022, they were able to qualify for $12,500 in ARPA funds through Androscoggin County. The funding provided adult literacy programs in Androscoggin County and is due to be expended by October 31, 2023.

Literacy Volunteers -Androscoggin is an incorporated, non-profit – nationally accredited organization that provides Basic Literacy, KAP (Family Literacy), English Language Learners Workplace Literacy Classes and English Conversation Partners.

City Budgetary Impacts: None

Staff Recommended Action: Allocate $5,700.00 to Literacy Volunteers – Androscoggin.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Letter to Mayor Levesque and Members of the Auburn City Council.

Literacy Volunteers – Androscoggin

Our mission is to provide free, one-on-one tutoring and other educational services to help Adults and families in Androscoggin County acquire the basic reading, writing and math skills they need to enhance their lives and achieve their personal goals.

Dear Mayor Levesque and Members of the Auburn City Council:

Literacy Volunteers-Androscoggin (LV-A) has been serving the residents of Androscoggin County for 48 years. Our mission is to help adults and families with multiple barriers tranform their lives through accessible education. We recruit, train and support volunteers to provide one-on-one instruction for adults who have a critical need to work on their education, and have no other avenue for doing so.

LV-A students represent a broad spectrum of ability, from those who have no literacy skills, to highly educated individuals from other countries. Last year, we worked with adults from 45 different countries, including the United States.

Due to the pandemic, LV-A has experienced a 32% drop in our United Way allocation, as their campaign has been deeply affected. Historically, the UW has provided about 40% of our annual funding so this has been a significant challenge.

We were hit hard by the pandemic, both financially and in regards to student and volunteer numbers, and where able to qualify for $12,500 in ARPA funds through Androscoggin County in October of 2022. This funding was used to provide adult literacy programs in Androscoggin County and will be spent by October 31, 2023.

The work to rebuild our capacity continues in Auburn and other parts of Androscoggin County. To support our programs in your city, we are requesting $5,700 in ARPA funds from Auburn, which will cover five hours per week of the Executive Director's salary and help us serve 30 adults in Auburn for one year. These hours would pertain specifically to program and include:

- Student intakes
- Student and volunteer recruitment
- Tutor and English Conversation Partners training and matching
- Support of the tutor/student matches
- Continuing Education for volunteers
- Outreach and building partnerships with other community programs;
- Managing the logistics required for current programs.

The 30 adult students from Auburn would have two core programs available:

One-on-one tutoring: Trained volunteers provide free, one-on-one instruction in reading, writing, and/or math and lessons are centered around the student's life goals. For example: someone that needs a job would be learning to read want ads, fill out applications, or perhaps study for a work related test. Students that have a need to get certified for a specific occupation are matched with a tutor that has knowledge about that field.

English Conversation Partners: One-on-one, English Conversation Partners provide the opportunity for ELL students to improve their English speaking skills as well as gain information about Maine culture. This helps them enter and navigate our workplace culture, as well as the community overall. It also affords an opportunity for our volunteers to learn about their students' cultures.

LV-A has a good track record serving the residents of Auburn. Twenty five of the past twenty-seven years, we have received CDBG funds, and 95% of the students who participated in our programs 50 hours or more achieved two or more of their life skill goals, many of which were work related. Pre-pandemic we served 80 to 100 Auburn residents, giving 4,500 hours or more of volunteer service to help area adults gain the skills they needed to obtain a good job, help their children with their education, and lift themselves out of poverty.

Thank you for your past support and your consideration of our proposal.

Respectfully, Tahlia Chamberlain, Executive Director

ORDER 120-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby approves the allocation of $5,700.00 from the American Rescue Plan Act (ARPA) funds for Literacy Volunteers – Androscoggin programs.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 5, 2023 **Order:** 121-09052023

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of 80 Lake Street (Parcel ID 239-114), 7 Fern Street (Parcel ID 239-113), and 9 Fern Street (Parcel ID 239-112)

Information: The sale of these properties for One Hundred Thousand Dollars ($100,000) will allow Jim Wu (the developer) to renovate the former Lake Street School into market rate apartments and 7 and 9 Fern Street into a daycare.

Subject: The City of Auburn Economic Development Department seeks approval for the City Manager to Execute a Purchase and Sale Agreement with Jim Wu for the Sale of 80 Lake Street (Parcel ID 239-114), 7 Fern Street (Parcel ID 239-113), and 9 Fern Street (Parcel ID 239-112) for One Hundred Thousand Dollars ($100,000). The sale of these properties will allow Jim Wu (the developer) to renovate the former Lake Street School into market rate apartments and 7 and 9 Fern Street into a daycare. (See Proposal in attachment below).

A citizens committee for the Lake Street School proposal met on Thursday, August 30th to give input on the layout and design in the proposal. The committee liked the project, layout, and design. The committee noted a basketball hoop on the property is used a great deal by the neighborhood. The basketball hoop has been removed in the current proposal. The committee would like to see a basketball hoop included on the property.

Jay Brenchick spoke with Jim Wu regarding the desire to have a basketball hoop on the property. Jim said the hoop was removed in the proposal for safety concerns because it is located next to the parking lot. He views a hoop on the property as an amenity that should be included, and his team will find a safe location for the hoop.

City Budgetary Impacts: None

Staff Recommended Action: Approve

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

- Wu Proposal to Purchase
- Economic Development Memo

TERRADYN
CONSULTANTS, LLC

Pineland
Cumberland Hall
41 Campus Drive, Suite 301
New Gloucester, ME 04260

July 18, 2023

Jay Brenchick, Director
Economic Development Department
City of Auburn
60 Court Street
Auburn, Maine 04210

Mr. Brenchick:

I am writing on behalf of Jim Wu, a reputable business owner, landlord, developer and resident of Auburn. We have spent the last several weeks investigating the development potential of the 80 Lake Street School property and we are excited to express our interest in purchasing the property.

Please find below the terms and conditions of our offer:

Purchase Price: We propose a cash payment of $100,000.00 for the acquisition of 80 Lake Street School. In addition to the purchase price we pledge the immediate installation of a 60' x 40' *Center Stage* playground, valued at over $100,000, in the location of the previous playground on the property. This playground has already been purchased by Mr. Wu, as proof of our commitment to investing in the property and in recognition of the historic importance of the property to the community.

Proposed Use & Development: We propose to renovate the existing school building into ten to eleven, residential apartment units. The building will maintain the current historic high-quality façade. The units will be a mix of one and two-bedroom, market-rate apartments. A minimum of two parking spaces per unit will be maintained on the premises, as well as a couple dedicated parking stalls for playground patrons. Additional parking for playground patrons is available on Fern Street. A Public Easement will be granted to the City for the public's use of the playground.

In addition to the playground and dwelling units, we propose to construct a daycare facility on the 7 & 9 Fern St. parcels that come with the 80 Lake Street parcel. The facility will be small, maybe supporting one or two classrooms, but will still be a welcome addition to the community. The daycare will utilize the immediately adjacent playground. We propose restricting the public use of the playground during a set number of hours during the weekdays so that the daycare may have private use of the play area during those hours, similar to what the School had done in the past.

Direct public pedestrian access to the playground will be available from either public street. The playground will be fenced for safety reasons. Private pedestrian access to and from the apartments will be made available by paved walkways to both streets. Pedestrian and

vehicular access to the apartments and the daycare will be via the same curb cut off Fern Street.

Attached is a colorized site plan depicting these and other proposed improvements to the premises.

Identification of the Entities: The following consultants and contractors will provide their expertise on the project:

- Jim Wu (Developer)
- Tom Perkins – Dirigo A/E (Architect/Engineer)
- Barry J. Hosmer (Landscape Architect)
- Jeff Amos – Terradyn Consultants (Engineer)
- Jimmy Courbron - Terradyn Consultants (Land Surveyor)
- Clay McLafferty – K. R. Youland and Son (Contractor)
- Wu Management (Property Manager)

The above-listed team has worked together on many projects within the City of Auburn, including:

- 405 Center Street, Auburn (to be constructed)
- Stable Ridge Apartments (excluding Jim Wu)
- West Shore Landing (excluding Jim Wu & Barry Hosmer)

Jim Wu's portfolio of Businesses and properties include the following:

- Lotus Restaurant
- 114 Hampshire St. (four-unit apartments)
  https://www.apartments.com/114-hampshire-st-auburn-me/rthglh3/
- 122 Goff St. (twelve-unit apartments)
- 96 Second St, New Auburn (fourteen-unit apartments, old schoolhouse reno.)

Proposed Schedule: As stated, we are prepared to install the playground immediately upon acceptance of our proposal, and with the blessing of Parks and Recreation or the neighborhood citizens group. Planning, design and permitting for the rest of the project is anticipated to occur over fall of 2023/winter of 2024, with an anticipated start of construction of fall of 2024. Occupancy permits will be sought spring of 2025. This timeline is negotiable and can be accelerated if desired by the City or Neighborhood.

The project will likely be phased, with the renovation of the schoolhouse being the first phase and the construction of the daycare to follow immediately after completion of the schoolhouse renovation in Spring of 2025. An occupancy permit for the daycare will be sought six months later, in late fall of 2025.

We will not be seeking public assistance or financing for this project. The Developer is able to finance this project themselves. Please see the attached Letter of Financial Capacity for details.

Benefits of our Proposal: By purchasing 80 Lake Street School, we aim to provide a positive impact on the Lake Street community. The goal of our development will be to minimize as much as possible the impact the proposed change in use will have on the Lake Street community while also providing new housing units that the City critically needs.

By preserving the façade of the schoolhouse building, providing a similar use in the form of a new daycare facility, and by preserving a playground within the historic parcel, we believe our proposed development will honor the legacy of this historic property.

The proposed, higher-end residential units will compliment the character of the surrounding neighborhood, and the proposed landscaping and thoughtful layout of the site will beautify the area.

Ultimately, we believe the proposed development will add value to the community and help the City meet its housing and infrastructure needs.

Regards,

Jimmy C. Courbron, PLS
Terradyn Consultants, LLC
(207) 212-4478
jim@terradynconsultants.com

CC:
Jim Wu
48 Vista Dr.
Auburn, ME 04210

Attachments:
1. Site Plan
2. Letter of Financial Capacity
3. Playground Graphic (similar to purchased, but not the same)

Lake Street School

Conceptual Site Plan

July 20, 2023

For:

Jim Wu
279 Center Street
Auburn, Maine 04210

Prepared By:
Terradyn Consultants LLC
Barry J Hosmer - Landscape Architect

Bertrand G. LaBonte, CPA, MBA, MST
185 Webster Street Suite #3
Lewiston, Maine 04240
(207)782-9500
Fax (207)333-5107
e-mail bglcpa@aol.com

July 19, 2023

City of Auburn Maine
Economic Development Department
Jay Brenchick, Director
60 Court Street
Auburn, Maine 04210

Mr. Brenchick:

My client Jim Wu has substantial experience in developing commercial properties in the Lewiston/Auburn area. He has more than a dozen properties both residential and commercial which he manages and maintains. He has available funds to purchase and develop this property without the need for borrowing.

If you have any questions, please do not hesitate to call.

Sincerely,

Bertrand G LaBonte

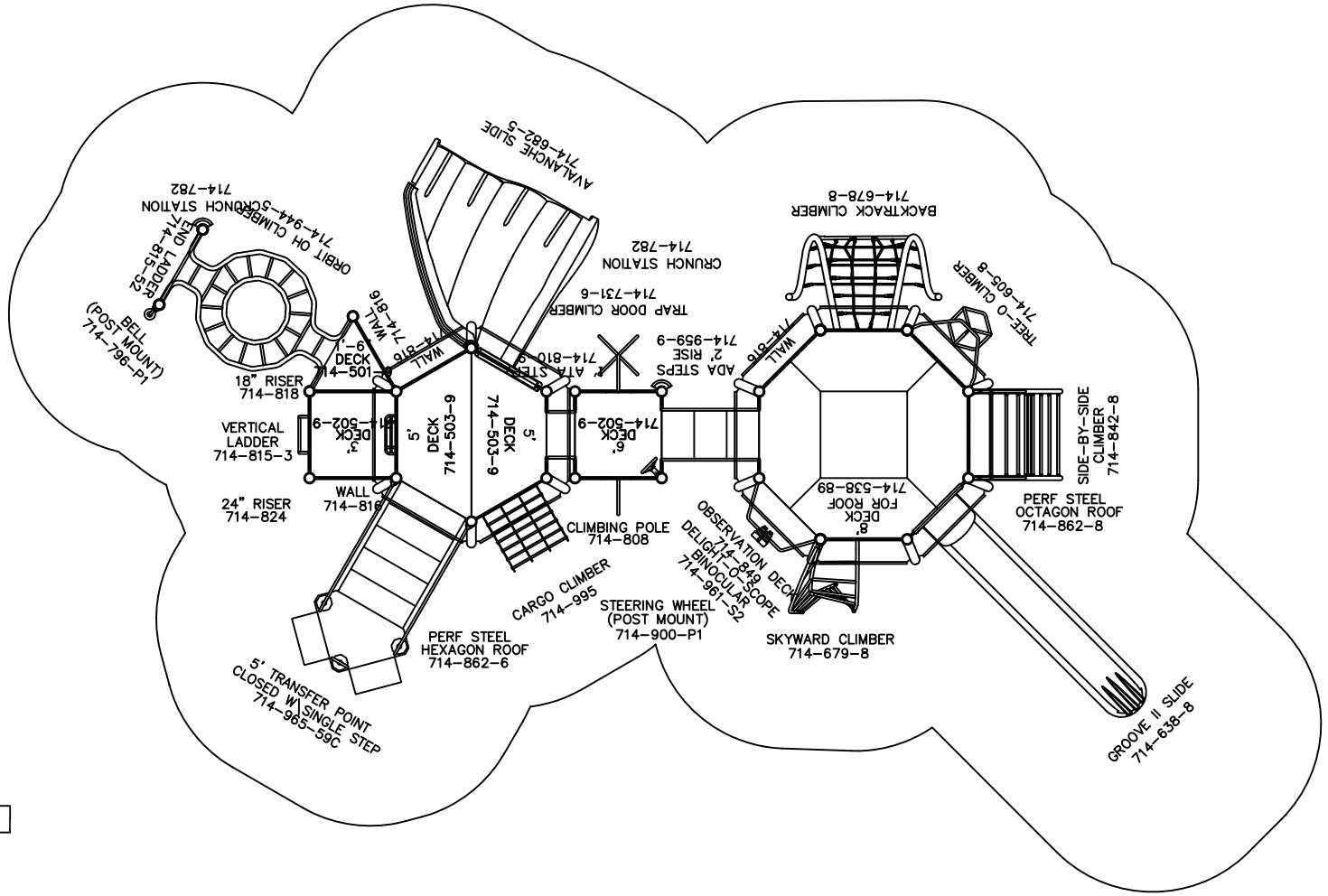
Bertrand G. LaBonte
Certified Public Accountant

Cc Jim Wu

5-12 PLAY AREA

ELEVATED PLAY ACTIVITIES - TOTAL	12		
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER	10	REQ'D	6
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP	0	REQ'D	0
GROUND LEVEL ACTIVITY TYPE	3	REQ'D	3
GROUND LEVEL ACTIVITY QUANTITY	4	REQ'D	4

Similar to Purchased



Play Area Capacity: 115-125

IPEMA CERTIFIED TO ASTM F1487
To verify product certification, visit www.ipema.org

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.

Miracle

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.

714-S602

GROUND SPACE: 47' X 27'
PROTECTIVE AREA: 61' X 41'

✓ COMPLIES TO CPSC
✓ COMPLIES TO ASTM
✓ COMPLIES TO ADA

DESIGNED FOR AGES 5-12

ADDITIONAL GROUND LEVEL ACCESSIBLE ITEMS NEEDED FOR ADA COMPLIANCE

TYPE:	QUANTITY:
0	0

SCALE: 1/8"=1'-0"

DATE: 8/31/2018

CINDI

City of Auburn
Proposed Sale of City-Owned Properties
City Council Meeting: September 5, 2023

Jay Brenchick, Director of Economic Development

Subject: The City of Auburn Economic Development Department seeks approval for the City Manager to Execute a Purchase and Sale Agreement with Jim Wu for the Sale of 80 Lake Street (Parcel ID 239-114), 7 Fern Street (Parcel ID 239-113), and 9 Fern Street (Parcel ID 239-112) for One Hundred Thousand Dollars ($100,000). The sale of these properties will allow Jim Wu (the developer) to renovate the former Lake Street School into market rate apartments and 7 and 9 Fern Street into a daycare. (See Proposal in attachment below).

A citizens committee for the Lake Street School proposal met on Thursday, August 30th to give input on the layout and design in the proposal. The committee liked the project, layout, and design. The committee noted a basketball hoop on the property is used a great deal by the neighborhood. The basketball hoop has been removed in the current proposal. The committee would like to see a basketball hoop included on the property.

Jay Brenchick spoke with Jim Wu regarding the desire to have a basketball hoop on the property. Jim said the hoop was removed in the proposal for safety concerns because it is located next to the parking lot. He views a hoop on the property as an amenity that should be included, and his team will find a safe location for the hoop.

ORDER 121-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Manager Execute a Purchase and Sale Agreement with Jim Wu for the Sale of 80 Lake Street (Parcel ID 239-114), 7 Fern Street (Parcel ID 239-113), and 9 Fern Street (Parcel ID 239-112) for One Hundred Thousand Dollars ($100,000).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
September 18, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Transportation Corridor Study Updates – Minot Avenue and Washington Street – Jonathan LaBonté
B. Executive Session - Real estate matter – Pursuant to 1 M.R.S.A. §405(6)(C).
C. Executive Session – Economic development – Pursuant to 1 M.R.S.A. §405(6)(C).
D. Executive Session – Economic development – Pursuant to 1 M.R.S.A. §405(6)(C).

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Gerry

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 122-09182023*
Confirming Chief Moen's appointment of Brent Bynum as a Constable with firearm for the Auburn Police Department.

2. Order 123-09182023*
Accepting the transfer of $1,896.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-2020-01965 (St. Hilaire)).

3. Order 124-09182023*
Accepting the transfer of $2,114.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-2019-02569 (Poulin)).

4. Order 125-09182023*
Accepting the transfer of $1,421.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-22-2172 (Burnsworth)).

5. Order 126-09182023*
Accepting the transfer of $557 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-23-1609 (Deam)).

6. Order 127-09182023*
Authorizing the cancellation of the October 2, 2023 regular City Council meeting and calling a special meeting to be held on October 23, 2023.

7. Order 128-09182023*
Designating Phil Crowell as the official Voting Delegate and Brian Wood as the alternate Voting Delegate for Auburn at the Maine Municipal Associations Annual Business Meeting scheduled for October 2023.

II. Minutes

- September 5, 2023, Regular City Council Meeting

III. Communications, Presentations and Recognitions

- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 11-09052023
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B – Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023. **Second reading.**

2. Ordinance 12-09052023
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B ,T-4.2B Sec. 60-54B Intent and Purpose, Sec. 60-54B.1, Building Placement on Lot, Frontage Buildout, 3. Sec 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. **Second reading.**

3. Ordinance 13-09052023
Approving the zoning map amendment T-4.2B & C/OS "Area A1". **Second reading.**

4. Ordinance 14-09052023
Approving the zoning map amendment T-4.2B & C/OS "Area A2". **Second reading.**

5. Ordinance 15-09052023
Approving the zoning map amendment T-4.2B "Area C". **Second reading.**

6. Ordinance 16-09052023
Approving the zoning map amendment T-4.2B "Area D". **Second reading.**

7. Ordinance 17-09052023
Approving the Zoning Ordinance text amendments (Proposal B1) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2-Agriculture and Resource Protection District. **Second reading.**

8. Ordinance 18-09052023
Approving the Zoning Ordinance text amendments (Proposal B3) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agriculture and Resource Protection District. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed. **Second reading.**

9. Ordinance 19-09052023
Approving the AGRP text amendments (Proposal B2) Planning Board proposed change number ten to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. **Second reading.**

VI. New Business

1. Public hearing
Public Safety Building Referendum scheduled to be submitted to the Auburn voters at the November 7, 2023 Election.

2. Ordinance 20-09182023
Amending Chapter 24, Article II, Division 1, Sec. 24-33 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits. First reading.

3. Order 128-09182023
Authorizing the partial discontinuance of Chestnut Street.

4. Order 129-09182023
Authorizing the discontinuance and re-alignment of Miller Street.

5. Order 130-09182023
Authorize the city manager to modify the solid waste agreement with Casella to initiate a pilot recycling program within designated areas within the city, by using the allocated funding authorized in the FY24 budget.

6. Ordinance 21-09182023
Amending the Code of Ordinances, Chapter 14, Article XVIII Adult Use and Medical Marijuana Business licensing. Public hearing and first reading.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)
a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. Jill Eastman, Finance Director – August 2023 Finance Report

IX. Executive Sessions - None

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Transportation Corridor Planning Studies (Washington Street and Minot Avenue/Union Street)

Information: The City Council, through the Comprehensive Plan, Strategic Plan, and workshop discussions, has directed staff to advance planning efforts to improve priority transportation corridors in growth areas of the city. More specifically, given the significant state and federal investment being made in infrastructure, Auburn wants to be position to secure that non-property tax funding to advance community needs. Two of those corridors, Washington Street and Minot Avenue/Union Street, have funding partnerships identified to initiate the studies and move forward. While the scope of work details are provided in the attached memo, here is a summary.

Washington Street from Exit 75 to just south of the rotary is idenfitied in the comprehensive plan to have the southbound side converted to a two-way controlled access highway (similar to a Turnpike spur) with northbound Washington Street converted to a two-way local street that will accommodate all modes of transportation as a "complete street". City staff have secured a vote from the Androscoggin Transportation Resource Center, with supports from MaineDOT, for an allocation of Federal Highway Administration planning funds to conduct the evaluation.

Minot Avenue, from the town line to and including the Union Street By-pass, has along been identified as a dangerous corridor from a crash perspective, for active transportation access (walking, biking), and for sections lacking compatibability with community quality of life (school zones, in efficient alternative to Court Street, limits to redevelopment at sites like the Lunn-Sweet Shoe Shop (The Barn). City staff have secured MaineDOT's support for a Planning Partnership Initiative, with the goal of completing a study and then partnering with MaineDOT to seek Bi-partisan Infrastructure Law (BIL) funds for implementation. MaineDOT would fund 50% of the study up to $100,000.

City Budgetary Impacts: Use of a portion of already allocated ARPA Funds (up to $100,000 to match MaineDOT funds)

Staff Recommended Action: Council support to continue forward with initiating studies

---

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Washington Street and Minot Avenue Corridor Study Scope of Work Memo

City of Auburn, Maine
Transportation Systems Department
Jonathan P. LaBonté, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TO: Mayor Jason Levesque and the Auburn City Council
FROM: Jonathan P. LaBonte, Transportation Systems Director
DATE: September 18, 2023
RE: Transportation Corridor Plans

BACKGROUND

With existing policies adopted through the Comprehensive Plan, Strategic Plan, and city ordinance, along with City Council discussions, city staff have been pulling together detailed scopes of work for two significant corridor studies; Washington Street and Minot Avenue/Union Street. While there are other areas that will be assessed for improvement, with associated funding strategies, these two corridors were prioritized given the existing safety and mobility challenges, and their misalignment with community development goals and quality of life for adjacent neighborhoods.

Through the assistance of AVCOG and MaineDOT staff, and support from the city of Lewiston, we have secured a vote of ATRC to allocate Federal Highway Administration planning funds for the Washington Street corridor project. This corridor is the primary north-south movement for not only western Maine, but the downtown residential and business districts of both cities.

For the Minot Avenue/Union Street study, we are collaborating with MaineDOT and their Planning Partnership Initiative. The City Council, through an allocation of $300,000 for Small Area Master Plans, provided the matching funds necessary to drawn down up to $100,000 from MaineDOT. We project needing $100,000 from the Small Area Master Plan allocation to match each MaineDOT dollar.

On the two pages that follow, you will see a summary of the scope and purpose for these two studies and a map of the study area. Each process, which we hope to initiate this fall through RFPs, will have extensive public involvement and cross-agency engagement (multiple city departments, state/federal partners, etc). The intent is that each process will deliver recommendations, along with public support, to secure federal implementation funding.

Androscoggin Transportation Resource Center
City of Auburn, Washington Street Corridor Transportation Study

Scope of Work

Introduction
The Androscoggin Transportation Resource Center (ATRC) is conducting a feasibility study to identify corridor capacity and mobility of Washington Avenue in Auburn. The study area includes Washington Avenue (Maine Routes 202N/S) from a point south of Allied Road near the Maine Turnpike Exit 75 interchange to a point north of Brickyard Circle near the "rotary" intersection with Minot Avenue. This area of Washington Avenue includes a separated highway with two lanes of controlled access southbound and two lanes of free access highway northbound for a span of approximately three miles.

Major highway infrastructure recommendations are anticipated to be limited to Washington Street southbound. However, recommendations related to access management, frontage roads, changes to lane configurations, and traffic signal modifications may extend to areas within a reasonable distance from Washington Avenue depicted in the illustration below.

Purpose and Need
The purpose of this study is to understand the current capacity of Washington Avenue and to identify what improvements will be necessary to convert the southbound lanes into two-way, two-lane access; and to determine for how long two-way traffic will be sufficient and develop high-level four-lane concepts with intersections with the northbound section (two) and Rodman Road (one).

<u>Washington Street</u>
Southbound – Green
Northbound – Purple

MaineDOT Planning Partnership Initiative

City of Auburn, Washington Street Corridor Feasibility Study

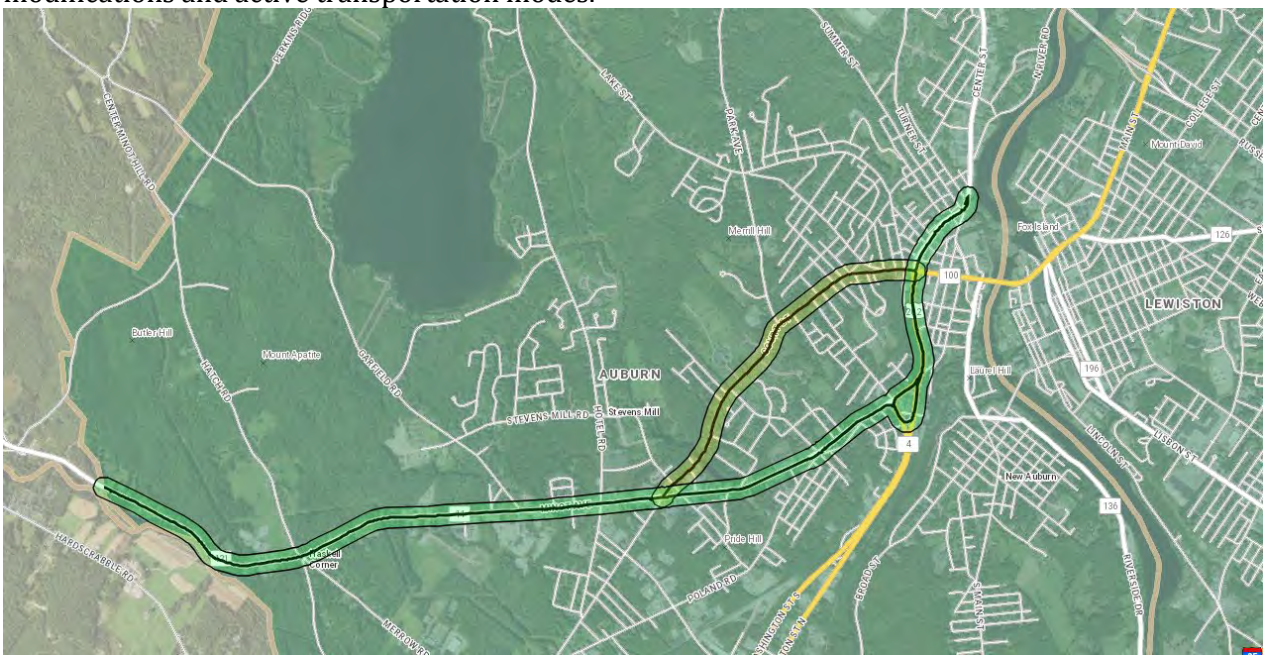
Introduction

The City of Auburn in collaboration with the Maine Department of Transportation (MaineDOT) is undertaking a Minot Avenue Corridor Study in Auburn, ME. Minot Avenue in Auburn is an approximate 5.2-mile corridor that begins at the Court Street/ Union Avenue Intersection in the heart of downtown Auburn and ultimately continues through Minot and Mechanic Falls to Route 26 in Oxford. Depending on location, Minot Avenue may also be Route 121, 11, 202, 100 and 4. Minot Avenue provides for east-west connectivity, Maine Turnpike I-95 access, local traffic including access to multiple schools, commuters, connections to recreational areas and through traffic. It is a MaineDOT Highway Corridor Priority 1 or 2.

This study's purpose is to improve safety and accessibility for all transportation modes on and adjacent to Minot Avenue by making the best practical use of primarily existing right-of-way while improving or at least maintaining acceptable Levels of Service. This study will also consider planned and potential land use changes on the corridor and the City's economic development goals. Recommendations will be short and long-term and consider economies of scale associated with planned and future highway paving projects. Since a study goal includes utilization of Minot Avenue for through traffic as opposed to Court Street, the study team assumes there will be analysis and recommendations on Court Street too.

Study Area and Scope of Work

The feasibility study will identify deficiencies for all transportation modes utilizing Minot Avenue in the study area and recommend an improvement plan that could be phased over several years. It will collect existing data and conduct an analysis of potential strategies to improve safety and accessibility along the corridor without substantial widening of Minot Avenue. Study recommendations are expected to consider but not be limited to changes to access management, including center medians where appropriate, new lane configurations, including lane reductions, intersection improvements and/or traffic signal modifications and active transportation modes.



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023

Subject: Executive Session

Information: Real estate matter, pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 Order: 122-09182023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Brent Bynum as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests the City Council appointment of Brent Bynum as Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Brent Bynum as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
N/A

ORDER 122-09182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Chief Moen's appointment of Brent Bynum as Constable with firearm/arrest powers for the Auburn Police Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: September 18, 2023 **Order:** 123-09182023

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Matthew St. Hilaire

Information:

ln September of 2020, Auburn Police Officers Nicholas Kyllonen and Andrew Jarman were assigned to the DEA High Intensity Drug Trafficking Areas task force and Maine Drug Enforcement Agency. They were investigating drug trafficking from an apartment on Lake Street in Auburn. With the assistance of a patrol officer, they conducted a traffic stop on a suspect vehicle in which Matthew L. St. Hilaire was the operator. The officers developed information during the investigation that the occupants of the vehicle were trafficking illegal narcotics. While conducting a search of the vehicle, the officers found St. Hilaire in possession of 0.98 grams of cocaine base, 5.429 grams of cocaine HCL, 9 grams of suspected heroin/fentanyl, 0.2 grams of methamphetamines, 100 Xanax pills, $1,896 in cash and other drug paraphernalia. St. Hilaire was charged with aggravated trafficking schedule W drugs Class B, unlawful trafficking schedule Z drugs Class D, unlawful possession of heroin/fentanyl Class C, unlawful possession of scheduled W drugs Class C, and unlawful possession of scheduled Z drugs, Class E.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer $1,896.00 U.S. Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

Staff Recommended Action: Vote to accept the transfer of $1,896.00

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
*None

ORDER 123-09182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the transfer of $1,896.00 to Auburn Police Department (Unified Criminal Court Docket No. CR-2020-01965).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: September 18, 2023 **Order:** 124-09182023

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Ryan M. Poulin

Information:

ln August 2019, Auburn Police Officer Kenneth Jones conducted a traffic stop in which Ryan M. Poulin was the operator. Officer Jones developed information during the investigation that the occupants of the vehicle were trafficking illegal narcotics. While conducting a search of the vehicle, Officer Jones found Poulin in possession of 15 grams of fentanyl, 2.6 grams of methamphetamine, 265.3 grams of hashish, 177 vials of hashish, digital scales, $2,114 in cash and other drug paraphernalia. Ryan Poulin was charged with unlawful trafficking scheduled W drugs Class B, unlawful trafficking schedule X drugs Class C, unlawful possession of fentanyl Class C, unlawful possession of methamphetamine Class C, and unlawful possession of schedule X drugs Class D.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer $2,114.00 U.S. Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

Staff Recommended Action: Vote to accept the transfer of $2,114.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
*None

ORDER 124-09182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the transfer of $2,114.00 to Auburn Police Department (Unified Criminal Court Docket No. CR-2019-02569).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: September 18, 2023 **Order:** 125-09182023

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Gerald Burnsworth

Information:

In September of 2022, Auburn Police Officer Andrew Jarman and Derek Drouin were following up on a tip that Gerald Burnworth was in the area of Cumberland Farms in a particularly described Jeep. Burnsworth was wanted in connection to a shooting that occurred in Lewiston. The officers located the Jeep and Burnsworth on Northern Avenue Heights. Burnsworth was taken into custody and in the Jeep where he was seated officers located 12.64 grams of cocaine, 6.2 grams of cocaine HCL, 7.87 grams of suspected fentanyl, 2.75 grams of suspected methamphetamines, drug ledgers, other drug paraphernalia, and $1,421 in cash. Burnsworth was charged with aggravated trafficking scheduled drugs Class A, unlawful trafficking scheduled drugs Class B (three counts), unlawful possession of cocaine Class C, unlawful possession of methamphetamine Class C, and unlawful possession of fentanyl Class C.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer $1,421.00 U.S. Funds will be used for ongoing K-9 expenses.

Staff Recommended Action: Vote to accept the transfer of $1,421.00.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

*None

ORDER 125-09182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the transfer of $1,421.00 to Auburn Police Department (Unified Criminal Court Docket No. CR-22-2172).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: September 18, 2023 **Order:** 126-09182023

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Andrew M. Deam, Jr.

Information:

In June of 2022, Auburn Police Officer Andrew Jarman executed a search warrant at an apartment on Sixth Street and Auburn, searching for Andrew M. Deam Jr. who had a warrant for his arrest. Officer Jarman located Deam in the residence and took him into custody. When Deam was located, it appeared he weas actively overdosing. Deam was on conditions of bail and was subject to search. While Officer Jarman transported Deam to the hospital, the other officers on scene conducted a search pursuant to Deam's bail conditions. Officers located 3 grams of fentanyl, half a Xanax pill, digital scales, and $557 in cash. Andrew M. Deam Jr. was later charged with aggravated trafficking scheduled W drugs Class A.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer $557.00 U.S. and Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

Staff Recommended Action: Vote to accept the transfer of $557.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
*None

ORDER 126-09182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the transfer of $557 to Auburn Police Department (Unified Criminal Court Docket No. CR-23-1609).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Order:** 127-09182023

Author: Sue Clements-Dallaire, City Clerk

Subject: City Council meeting schedule for October

Information: This item is to consider cancelling the Regular City Council meeting that is scheduled for Monday, October 2, 2023, and calling for a Special City Council meeting to be held on Monday, October 23, 2023.

City Budgetary Impacts: None

Staff Recommended Action: Consider passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 127-09182023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the cancellation of the Regular City Council meeting that is scheduled for Monday, October 2, 2023 and calls a Special City Council Meeting to be held on Monday, October 23, 2023.

Passage on 6/20/2023 7-0.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Order:** 128-09182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Designating City Manager, Phil Crowell, as the official voting delegate to the MMA Annual Business meeting and Brian Wood as the alternate

---

Information: The Maine Municipal Association will hold its Annual Business Meeting in conjunction with the MMA Annual Convention on Wednesday, October 4, 2023. The MMA Bylaws entitle each member community to 1 voting representative and an alternate. The Municipal officers may designate their municipalities voting representative and alternate.

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

City Budgetary Impacts: None

Previous Meetings and History: Annual

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

MAINE MUNICIPAL ASSOCIATION

VOTING DELEGATE CREDENTIALS

Phillip Crowell (name) is hereby designated as the official Voting Delegate and

Brian Wood (name) as the alternate voting delegate for City of Auburn (municipality)

to the Maine Municipal Association Annual Business Meeting, which is scheduled to be held, Wednesday, October 4, 2023, 1:15 p.m., at the Augusta Civic Center, Augusta, Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or by a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: 9/18/23 **Municipality:** City of Auburn

Signature of a Municipal Official designated by a majority of Municipal Officers:

Name: _____ **Position:** _____

Or Signature of the Majority of Municipal Officers:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Please return this form no later than **Monday, October 2, 2023,** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
Email: *kmaines@memun.org*

ORDER 128-09182023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby designates City Manager, Phil Crowell as the official voting delegate and Brian Wood as the alternate for the Maine Municipal Association Annual Business Meeting to be held on October 4, 2023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING SEPTEMBER 5, 2023, VOL. 37 PAGE 72

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 113-09052023***
Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto, 899 Broad St.

2. **Order 114-09052023***
Approving the renewal of an Auto Graveyard/Junkyard permit for M&P Auto, Inc., 227 Merrow Rd.

3. **Order 115-09052023***
Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

4. **Order 116-09052023***
Approving the renewal of an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.

5. **Order 117-09052023***
Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Rd.

Councilor Staples requested that items #1 and #3 be removed from the Consent Agenda and placed under New Business.

Motion was made by Councilor Staples and seconded by Councilor Whiting for passage of the three remaining consent items.

Passage 7-0.

II. **Minutes** - August 21, 2023, Regular City Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Staples to approve the minutes of the August 21, 2023, Regular City Council meeting.

Passage 7-0.

III. **Communications, Presentations and Recognitions**

- Council Communications (about and to the community)

Councilor Staples reported on the meeting with Casella (Waste Systems) adding that it was a productive meeting.

Mayor Levesque provided an update on recycling and handed out a memorandum regarding curbside recycling which states the following:

I recently requested a meeting with the City of Auburn's recycling vendor, Casella, to discuss the effectiveness of our city's recycling program. City administration and department heads, along with Councilor Staples, were also invited and participated in the conversation. We discussed both our historic bi-weekly curbside pick-up and current consolidated program with the goal of gathering information on recyclable items - where they go and to what extent our recycling is actually benefiting the environment once we factor in variables such as contamination, freight omissions, and off-gassing.

During this process, we identified some issues with our historic and current single- stream recycling program, from high contamination rates, to lack of commodity market for certain items commonly placed into the recycling bin, to a lack of general knowledge on participation and efficacy of Auburn's recycling initiatives. These missing data points will be essential in helping the City Council - with the assistance of the Sustainability and Natural Resource Management Board – to make appropriate decisions when a new recycling contract is being considered early in 2024 and to determine the programs overall benefit to our environment.

I am, therefore, proposing to the City Council a limited pilot recycling program that would have the following components:

1. ***Re-introduction of curbside recycling to select parts of the city, with a mix of urban and rural areas.***
2. ***Increased pick up in those areas, from bi-weekly to weekly.***
3. ***Definition of exactly what should be put into single-stream recycling. For example, glass should go into household trash, and some plastics should not be placed in recycling bins.***
4. ***In partnership with Casella, increased public education on what goes into recycling and how to prevent contamination, such as making sure residents are covering their recycling to prevent moisture, and if that is not possible, holding onto it until the following week.***
5. ***Launch of a Casella mobile app to help participating households understand what should and should not be recycled.***
6. ***Distribution of Auburn-specific direct mail educational pieces produced by Casella.***
7. ***Periodic reporting of data collected by Casella, to include recycling program participation by household, and percentage of overall waste collected.***
8. ***Retaining the centralized drop-off containers located at Public Works for those who are not part of the pilot program and remain in the control group.***

By creating a new best practice pilot program with a statistically relevant sample size of participants, we can more effectively gather data on efficacy, participation, contamination, and more. If done correctly, this could become the standard model to use throughout the region, therefore influencing the recycling and re-using efforts (incineration to produce energy is a re-

use) in surrounding communities.

The cost of this pilot program should not exceed the already budgeted and set aside amount for recycling for this current financial year, details to be worked out prior to, and made available to the Council during its deliberations on September 18, 2023.

Our goal is simple and remains consistent: To ensure that Auburn's government and residents are effective in their efforts to enhance global health and sustainability of natural resources using educated decision making based on quantifiable results. The decision to add or modify a city program lies with the City Council, not with the Mayor or staff, and it is my hope that implementing a short-term option will bring forth the information needed for educated decision-making during next year's budget deliberations.

City Staff will prepare specifics on the pilot program and will provide details and an order for you to consider at our next meeting.

IV. Open Session

Art Dingley, 512 Danville Corner Road, spoke regarding recycling.

Caroline Davidson, Danville Corner Road, also spoke regarding recycling.

V. Unfinished Business - None

VI. New Business

Orders 113-09052023* and 115-09052023* below were removed from the Consent Agenda and placed under New Business.

Order 113-09052023*
Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto, 899 Broad St.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken at the request of the Mayor.

Order 115-09052023*
Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

Motion was made by Councilor Hawes and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Motion was made by Councilor Milks and seconded by Councilor Whiting to postpone until the October 16, 2023, City Council meeting.

Passage 7-0.

1. **Order 118-09052023**
Authorizing the City Manager to execute a real estate transaction to swap City owned parcel 271-100-000 for privately held parcel 261-056-002.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0.

2. **Ordinance 11-09052023**
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B – Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023. **Public hearing and 1st reading.**

Motion was made by Councilor Milks and seconded by Councilor Staples for passage.

Public hearing – Stephen Beal, 575 Johnson Road, stated that he supports staffs position on this proposal (opposed).

Failed 0-7. A roll call vote was taken.

3. **Ordinance 12-09052023**
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B ,T-4.2B Sec. 60-54B Intent and Purpose, Sec. 60-54B.1, Building Placement on Lot, Frontage Buildout, 3. Sec 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. **Public hearing and 1st reading.**

Motion was made by Councilor Milks and seconded by Councilor Morin for passage.

Public hearing – John Cleveland, 183 Davis Avenue, spoke regarding the language in this proposal, adding that he would like to see it removed until after the court proceeding.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

4. **Ordinance 13-09052023**
Approving the zoning map amendment T-4.2B & C/OS "Area A1". **Public hearing and 1st reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – Robert Hayes, 172 Allen Avenue, spoke and said he would like to see the Council table this to allow more public discussion.

Passage 4-3 (Councilors Walker, Gerry, and Whiting opposed). A roll call vote was taken.

5. **Ordinance 14-09052023**
Approving the zoning map amendment T-4.2B & C/OS "Area A2". **Public hearing and 1st reading.**

Motion was made by Councilor Milks and seconded by Councilor Morin for passage.

Public hearing – Dee Chapman, 40 Vivian Street, asked that all of area A2 be removed. She spoke regarding LD2003. She also asked the Council to slow down on the changes.

Mike Adler, 82 Loring Avenue, stated that the rezoning has to stop and leave the neighborhood as it is.

Bob Hayes, 172 Allen Avenue, spoke regarding regarding being called to participate in meetings on T-4.2.

Bruce Rioux, Mary Carroll Street, stated the issue he has with changes to zoning map is that it seems like these zone changes are inviting developers from other areas, and will not be owner occupied. He asked that the Council slows down on the zoning changes and maybe spot zoning is what we should look at.

Failed 0-7. A roll call vote was taken.

6. **Ordinance 15-09052023**
Approving the zoning map amendment T-4.2B "Area C". **Public hearing and 1st reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – Bob Hayes, 172 Allen Avenue, stated that form-based planning should be built on neighborhood characteristics and the Planning Board should have been given time to reach out and engage with the public. He said he questions our future when looking at property values.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

7. **Ordinance 16-09052023**
Approving the zoning map amendment T-4.2B "Area D". **Public hearing and 1st reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – No one from the public spoke.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

8. **Ordinance 17-09052023**
Approving the Zoning Ordinance text amendments (Proposal B1) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2-Agriculture and Resource Protection District. **Public hearing and 1st reading.**

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public hearing – Stephen Beal, 575 Johnson Road spoke regarding the process, he is in favor of the proposed amendment.

Motion was made by Councilor Staples and seconded by Councilor Walker to strike #6 from the Order to add "or 400 feet, whichever is less" to Sec. 60-146(3)(c) after the word "lot"." Which was not recommended by the Planning Board.

Passage 6-1 (Councilor Milks opposed).

Passage as amended 6-1 (Councilor Milks opposed). A roll call Vote was taken.

9. **Ordinance 18-09052023**
Approving the Zoning Ordinance text amendments (Proposal B3) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agriculture and Resource Protection District. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed. **Public hearing and 1st reading.**

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public hearing – No one from the public spoke.

Failed 0-7. A roll call vote was taken.

10. **Ordinance 19-09052023**
Approving the AGRP text amendments (Proposal B2) Planning Board proposed change number ten to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. **Public hearing and 1st reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – Stephen Beal, 575 Johnson Hill Road, supports staff's recommendation opposing this proposed amendment.

Failed 0-6 (Councilor Walker was not in the room for the vote). A roll call vote was taken.

11. Order 119-09052023
Authorizing the proposed Public Safety Building to be placed on a referendum ballot and submitted to the voters of Auburn at the November 7, 2023, Election.

Motion was made by Councilor Whiting and seconded by Councilor Morin for passage.

Public comment – Andy Titus, Rubelite Lane, was on the committee when this was talked about two years ago and he thought there would be more discussion on this. He also spoke regarding the tax impact if this passes. He would like more discussion before this goes to referendum.

Passage 6-1 (Councilor Gerry opposed).

12. Order 120-09052023
Allocating $5,700 out of the American Rescue Plan Act (ARPA) funds for Literacy Volunteers, Androscoggin.

Motion was made by Councilor Gerry and seconded by Councilor Morin for passage.

Public comment – No one From the public spoke.

Motion was made by Councilor Gerry and seconded by Councilor Staples to double the amount by increasing it from $5,700 to $11,400.

Failed 1-6 (Councilors Whiting, Hawes, Milks, Morin, Walker, and Staples opposed).

Passage of original motion 7-0.

13. Order 121-09052023
Authorizing the City Manager to execute the purchase and sales agreement of 80 Lake Street (PID 239-114), 7 Fern Street (PID 239-113), and 9 Fern Street (PID 239-112).

Motion was made by Councilor Gerry and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

VII. Open Session – Corey Wallace, 93 Gamage Avenue, asked about 67 Minot Avenue and wondered if there have been any updates on that structure. He said he could see this as a non-profit housing unit.

VIII. Reports (from sub-committees to Council)

Mayor Levesque, announced that the Blues and Brews Festival will be held on September 9th; there is new college housing in our downtown where the Value Inn used to be on Center Street; last week he met with the Governor's staff on infrastructure law and more; and the

School Committee will be meeting on Wednesday; and last, the he reported on the open house at the new Edward Little High School.

Councilor Staples also commented on the Edward Little High School open house.

Councilor Walker also commented on the Edward Little High School open house and was looking for the big plaque but could not find it.

Councilor Morin stated that he also attended the Edward Little High School open house. He added that if anyone is looking for a rewarding opportunity, they can donate their time and volunteer with Literacy Volunteers.

Councilor Gerry also reported on the Edward Little High School open house.

City Manager Crowell reported on the partnership with school and city to rehab the tennis courts at the East Auburn School, the project is complete. The grand opening will be on Monday. They can also be used for Pickleball. PAL movie night was held last Friday, 100 people attended, and he encouraged the Council and the Public to listen to our new Podcast called Absolutely Auburn. There are 4 episodes out at this time.

IX. Executive Sessions - None

X. Adjournment

Motion was made by Councilor Hawes seconded by Councilor Morin to adjourn.

Unanimously approved and the meeting adjourned at 9:03 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 11-09052023

Author: Katherine Cook, Planning Coordinator

Subject: Consider a proposed text change to Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023.

Information: This text amendment to Sec. 60-458B- Front Setback, Principal was initiated by a citizen's petition which asks to codify the interpretation of where to measure the front setback from. This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots. Because staff recommends additional changes to the text of the zone in conjunction with what the petition proposed, amending the ordinance with each of these changes included is preferable.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council vote **not to approve** first reading of the petition-initiated amendment to T-4.2B. Staff recommends instead to consider the changes that are presented as the next item in the Council packet.

Previous Meetings and History: July 7, 2023- Planning Board Public Hearing and vote to table until the next meeting; August 8, 2023- Planning Board Public Hearing and recommendation to not amend the ordinance as described. Public hearing and first reading on 9/5/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Recommendation to City Council, Planning Board Staff Report, draft amendment to Sec. 60-549, signed and notarized citizen petition, Draft Ordinance 11-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on a citizen petition-initiated zoning text amendment affecting T-4.2B.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider a proposed text change to Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2013. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map. This item was tabled at the July 11, 2023, meeting.

MOTION: Evan Cyr; Second: David Trask.

"I make a motion to recommend that the Council not amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023." **VOTE**: Motion passes 7-0-0.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210 www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report: Petition to amend T-4.2B zoning text
Date: August 8th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and subsequently tabled by the Planning Board to a date certain (August 8th, 2023) on the July 11, 2023 Planning Board meeting. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.

II. Background: Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A) Zoning map and text changes may be appropriate where the serve to support the goals of the Comprehensive Plan.

Staff currently understands that front setbacks in T-4.2B zoning districts may be measured from shared accessways, private ways, and shared parking areas. This petition seeks to clarify this understanding by adding the underlined language to Sec. 60-548B as follows: "Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of the principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. **Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.**"

This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots.

In the petition's explanation, the circulator intends for the added language confirming setback interpretation to be applied to the approval of past projects to this point, and notwithstanding M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects. Staff acquired legal counsel on the intention for this language change to apply retroactively, and as such, recommends that the Board not consider retroactive because the language was not included in the petition for the amendment to change the text in the asterisk (*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B.

Planning Board Action: Staff suggests planning board forward a negative recommendation to Council on the proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and recommend that they not consider the retroactive language suggested in the description of the petition.

III. Suggested Reasons and Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, Text with public Notice, on June 12, thus meeting submission standards (Sec. 60-1446).
2. The text amendment is consistent with the current comprehensive plan and the intent of the existing ordinance text and diagrams.
3. The text and intent of the petition can be clarified in a different way and the Board will review that later this evening.

V. Suggested Motion: I make a motion to recommend that the Council not amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023.

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

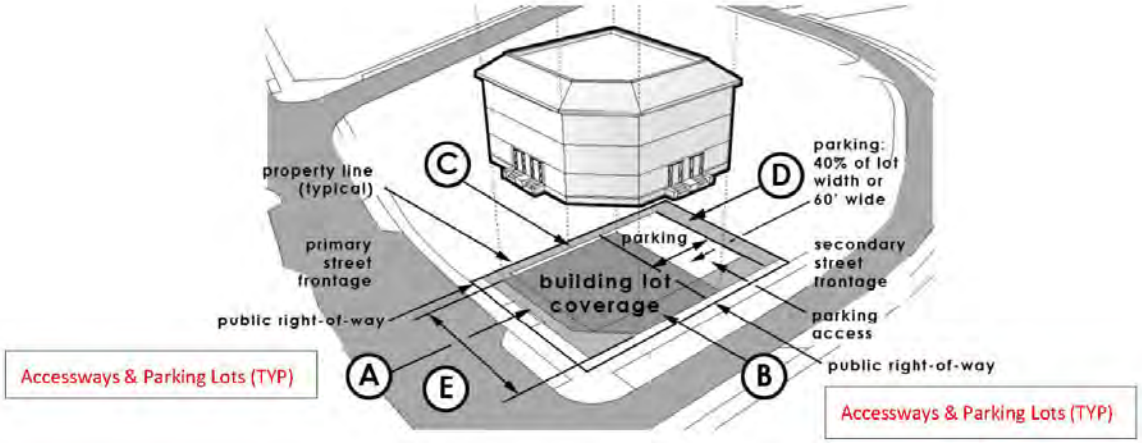
The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

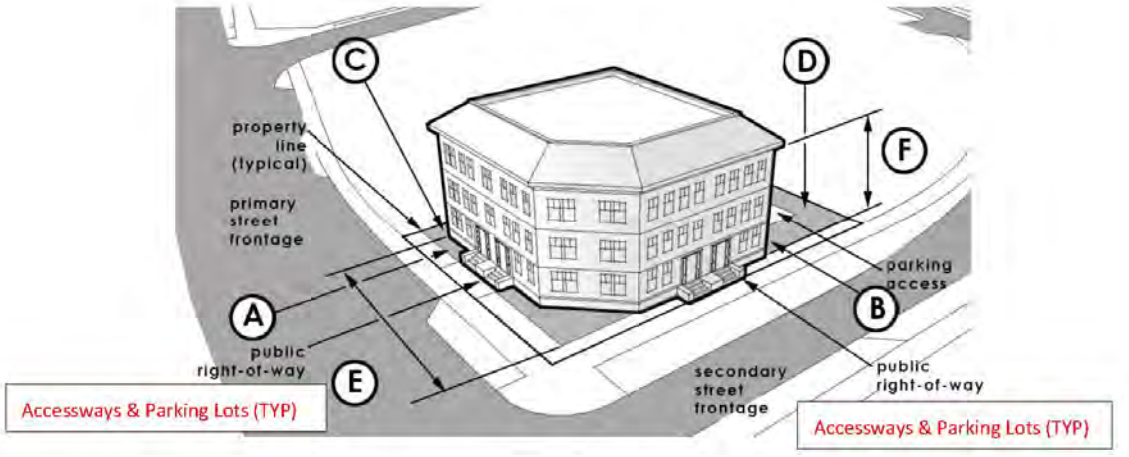
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



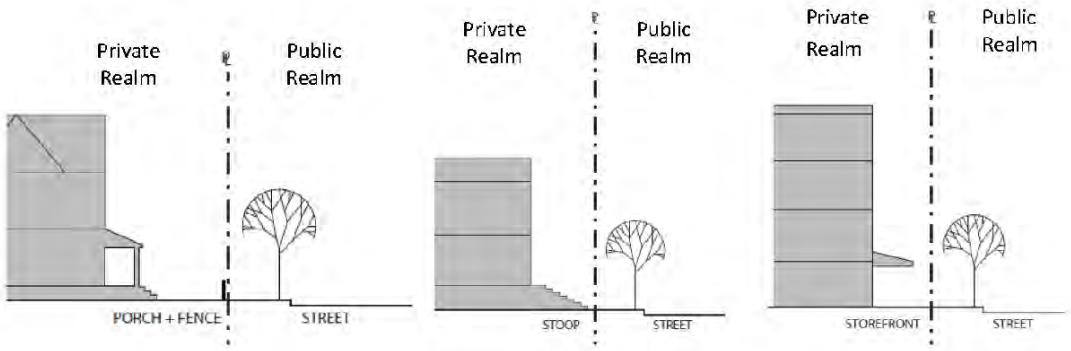
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.3. External elements T-4.2B.

Front yard fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

East Auburn – Citizens' Petition

REZONING PETITION

MUNICIPALITY Auburn TOTAL VALID 38 TOTAL INVALID 5

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 6/12/2023 Signature of Registrar: Susan F. Pepin

DATE & TIME PETITION RECEIVED
6/12/2023
1:42

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Ordinance to add clarity. The proposed change includes an amendment to change the text in the asterisk (*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B . *Front Setback, Principal* for Traditional Neighborhood T-4.2B to add the underlined language as follows

PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	5 ft. Min/, 25 ft. Max*	(A)
(Corner Lot) Front Setback, Secondary:	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian access way or parking area.

Explanation: One of the primary tests of a zone change is its conformance with the Comprehensive Plan. GROWTH AREAS Type A [Residential] The Traditional Neighborhood Development (TND) District requires that new development be designed to minimize the number of vehicular access points to existing collector or other roads; shared driveways are encouraged; and dimensional standards be established that relate to the size and width of the lot. A copy of that Comprehensive Plan section is attached and marked as Exhibit A. The City has adopted the T-4.2B zoning district to meet the goals of the TND District in the Comprehensive Plan by encouraging the use of shared driveways and limiting vehicular access points to Collector roadways, the new Ordinance was intended to allow for front setbacks in the T-4.2B district to be measured from Access Ways and Parking areas on internal, shared access points. This amendment clarifies the existing text to advance the shared access point objectives of the Plan; confirms the interpretation of the dimensional requirements of the T-4.2B zoning district adopted by the planning board in its approval of projects to date; and notwithstanding 1 M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects.

25

Print Name	City of Auburn Legal Address	Signature
Patricia Coulombe	19 AQUAMARINE Ct.	Patricia Coulombe
LORRAINE CÔTE	527 Merrow Rd, Aub.	Lorraine Côté
ROLAND BERGERON	527 MERROW RD AUB	Roland Bergeron
Rebecca J. Cote	465 Merrow Rd Auburn	Rebecca J. Cote
RAYMOND MARCHESSAULT	90 HOWARD AVE. AUB, ME	
DIANE H. DENNIS	40 ROYAL OAKS DR. AUB, ME	Diane H. Dennis
ROGER MOREAU	588 LAKE ST AUBURN ME 04210	Roger Moreau
Anita L. Moreau	588 Lake St. Auburn, Me. 04210	Anita L. Moreau
RAY BIRON	124 Broadview Ave Me 04210	Ray Biron
Shirley Biron	124 Broadview Ave Me 04210	Shirley Biron
Paul R. Morin	16 CLIFF ST. Auburn 04210	Paul R. Morin
Maureen A. Morin	16 Cliff St Auburn 04210	Maureen A. Morin
RONALD PEYSER	19 DEERFIELD DR. AUBURN 04210	
REX Anthony Norris	503 Auburn, ME Park AVE 04210	Rex Norris
Mary Tucker	6 Rosewood RD. Auburn, ME	Margaret Tucker
Gerry Tucker	6 Rosewood RD. Auburn ME	Gerard M. Tucker
Ronald Vaillancourt	470 Merrow Rd, Auburn ME	
MARK VAILLANCOURT	470 MERROW RD, AUBURN, ME	Mark Vaillancourt
Donald Weeks	852 Washington St Auburn me	
Pauline Perrier	150 Mill St. Auburn, ME	Pauline Perrier
Diane Caron	204 Bowdoin St	Auburn, ME
CAROL DeROY	68 Aquamarine Ct.	Carol DeRoy
London Morrissette	81 Briarcliff knoll, Auburn, ME	
DORIS MARCHESSAULT	81 BRIARCLIFF KNOLL, AUBURN, ME	Doris Marchessault
Jessica Klimek	81 Briarcliff Knoll, Auburn ME	
ASHTON MORRISSETTE	81 BRIARCLIFF KNOLL, AUBURN ME	Ashton Morrissette

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I CAROL DeROY
of 68 Aquamarine Ct., Auburn, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted. _____

Signature of Circulator

Carol A. DeRoy

Printed Name CAROL DeROY

Subscribed to and sworn before me on this date June 10, 2023 (Date must be completed by Notary)

Mitzie A. Turnbull

Signature of Notary

Mitzie A. Turnbull Printed Name

Date my Notary Commission expires: March 2, 2028

MITZIE A. TURNBULL
Notary Public - Maine
My Commission Expires Mar 2, 2028

Print Name	City of Auburn Legal Address	Signature
Gavin M. [illegible]	6 Canter Court Unit 12	
Donna Desjardins	6 Canter Ct Unit 8	Donna Desfardins
John Desjardins	6 Canter Ct Unit 8	
Karen Burschick	15 Belmont Ct Unit 2	
Derek Marineau	16 Belmont Ct Unit 11 Auburn, ME 04210	
Kim Demo	8 Belmont Ct, Unit 6 Auburn, ME 04210	
Karen Michaud	16 Belmont Ct #7 Auburn, ME 04210	
Terese Lemelin	15 Belmont Ct #7 " " 04210	
Jennifer Fournier	70 Gillander Ave Auburn, Me 04210	
Michael Fournier	70 Gillander Ave Auburn ME 04210	
Abigail Prosser	70 Gillander Ave Auburn, ME	
Jordan Cummings	999 Pownal Road Auburn, ME	
Austin Fournier	70 Gillander Ave Auburn ME	
Latoria Tomlinson	8 Belmont Court #1 Auburn ME	
Alyssa Labbe	8 Belmont Court #1 Auburn ME	
Timothy Burge	16 Belmont Ct #1 Auburn, Me 04210	
Randy Robbins	114 Fish Hatchery Rd Auburn	

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Abigail Prosser
of Auburn, ME, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted. Abi Pro

Signature of Circulator

Abigail L. Prosser

Printed Name

Subscribed to and sworn before me on this date 06/09/2023 (Date must be completed by Notary)

Signature of Notary

MATTHEW WILLARD

Printed Name

MATTHEW WILLARD
Notary Public - Maine
My Commission Expires Oct 4, 2023

Date my Notary Commission expires: 10/04/2023

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Jessica Klimek
of Auburn, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be enacted.

Signature of Circulator

Jessica Klimek

Printed Name

Subscribed to and sworn before me on this date 06/10/2023 (Date must be completed by Notary)

Signature of Notary

Sequoia Hoinsky Printed Name

Date my Notary Commission expires: September 19, 2029

SEQUOIA HOINSKY
NOTARY PUBLIC
State of Maine
My Commission Expires
September 19, 2029

Exhibit A

In addition to the Future Land Use Map, four detail maps ([redacted]) show the future land use designations for specific portions of the community, including Downtown, New Auburn, Minot Avenue, and Center Street.

FUTURE LAND USE PLAN VISION STATEMENT:

As a model of carefully managed growth, Auburn seeks to **grow outward from the historic cores within our city** and be known for its **strong, vibrant neighborhoods**. The city is committed to making careful, effective, and **efficient use of land and corresponding services, while strengthening the character of our neighborhoods**, ensuring that resources exist to maintain and enhance the quality of life for current and future residents. Auburn's continued commitment to **strong community connections**, embracing opportunity, and mindful growth should be **balanced with natural resource conservation** and woven into the city's unique identity.

1. GROWTH AREAS –

Type A: Development Areas
Designation: Residential

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water ([redacted]). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update ([redacted]). The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should

be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

SUBURBAN DEVELOPMENT DISTRICT (SD)

Objective – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water (see Figure 2-5). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Suburban Development District generally follows the boundaries of the Multifamily Suburban and Suburban Residential Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Suburban Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Recreational Uses of Land
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 8 units per acre with no minimum road frontage required, shared driveways are encouraged. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-20 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

Designation: Nonresidential and Mixed Use

FORM-BASED CODE DEVELOPMENT DISTRICT (FBCD)

Objective – Stabilize and promote continued investment in the City's high-density neighborhoods which include a mix of housing types including multi-unit buildings to assure that they remain safe, attractive areas in which residents want to live (see Figures 2-3 and 2-4). To this end, the district should allow property owners to upgrade their properties, and for infill development and redevelopment/reuse to occur, as long as it is compatible with the character of the neighborhood.

Allowed Use – The Form-Based Code Development District generally follows the boundaries of the Form-Based Code (Transects 4.1, 4.2, 5.1, 5.2 and 6), in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Form-Based Code Development District:

- Low and High Density Residential Dwelling Units
- Home Occupations
- Civic Uses
- Office/Service Type Uses
- Retail Type Uses

Development Standards – The reuse/reconfiguration of existing buildings for residential purposes should be allowed without consideration of density/lot size requirements, provided that

ORDINANCE 11-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B, specifically adding an asterisk (*) to the Table of PRINCIPAL BUILDING PLACEMENT, *Front Setback, Principle for Traditional Neighborhood T-4.2B* and adding the following underlined language to the same section: "Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area."

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 12-09052023

Author: Katherine Cook, Planning Coordinator

Subject: Consider a proposed text change to Sec. 60-548B, T-4.2B 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, building placement on lot, frontage buildout, 3.) Sec. 548B.2 common or porch yard stoop yard frontage storefront type, building envelope articulation, ground and upper story building façade.

Information: On July 7, 2023, The Planning Board help a public hearing on a citizen petition-initiated change to T-4.2B which sought to further define how to measure front setbacks. At this time, staff suggested that there are other elements of the ordinance in addition to adding language to Sec. 60-5480-Front Setback, Principal. Specifically, that there should be more flexibility and simplicity in applying the ordinance to single family and two-family homes. This proposed amendment offers language to clarify the point from which one may measure front setback on their property, and reduce the frontage buildout restrictions on single family, and two-family homes, and dwellings with an accessway that is shared by more than one structure. Staff is recommending these changes because it is plausible that such restrictions, if they remain, could cause undue burden to a smaller developer, and hinder the goals to reduce access points onto public streets.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council adopt the first reading of the attached amendments to T-4.2B.

Previous Meetings and History: July 7, 2023- Planning Board initiated request to consider additional amendments to T-4.2B following the T-4.2B citizens petition that was tabled at this same meeting; August 8, 2023- Planning Board Public Hearing and recommendation to amend the ordinance as described. Public hearing and 1st reading on 9/5/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Recommendation to City Council, Planning Board Staff Report, draft amendment to Sec. 60-549, draft ordinance and Ordinance 12-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on a staff0-recommemnded amendments to T-4.2B text.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider a proposed text change for Sec. 60-548B, T-4.2B pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, building placement on lot, frontage buildout, 3.) Sec. 548B.2, common or porch yard stoop yard frontage storefront type, building envelope articulation, ground and upper story building façade.

MOTION: David Trask; Second: Evan Cyr.

"I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

1) Sec. 60-548B- 1. Intent and Purpose "setback",

2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,

3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.

4) Amendment to the note (*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area. (As shown in the attached Ordinance Amendment Document)"

VOTE: Motion passes 6-1-0.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report: Staff Recommendation Text Amendments to T-4.2B to Add Clarity
Date: August 8th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B.

II. Background: Staff currently understands that additional clarity is desired for the text of the T-4.2B Zoning District. The current text of the T-4.2B form-based codes does not differentiate between residential single-family homes, development of small infill lots and special exception/subdivision development of larger lots. Some clarification is recommended that effects frontage buildout, setback measurements and general clerical items.

Staff suggests that the Board consider language similar to the previous petition in addition to amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration to decrease the minimum frontage buildout for residential lots. The proposed language and changes are attached. Staff recommends that the Planning Board hold a Public Hearing, and vote on the amendments to the zone.

Planning Board Action: Staff suggests planning board hold a public hearing and vote to recommend approval of the ordinance amendments(attached).

III. Suggested Reasons and Finding of Fact:

1. The text amendment is consistent with the current comprehensive plan.
2. The proposed text amendment clarifies the intent of the existing ordinance and encourages shared access ways for multiple buildings to minimize curb openings on public streets.
3. The amendment modifies the T4.2B text to allow additional flexibility and simplify permitting for one and two-family homes.

V. Suggested Motion: I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

1) Sec. 60-548B- 1. Intent and Purpose “setback”,

2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,

3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.

4) Amendment to the note (*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(As shown in the attached Ordinance Amendment Document)

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment~~,~~ and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building ~~set-backs~~setbacks~~-~~ form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Illustrative View of T-4.2B

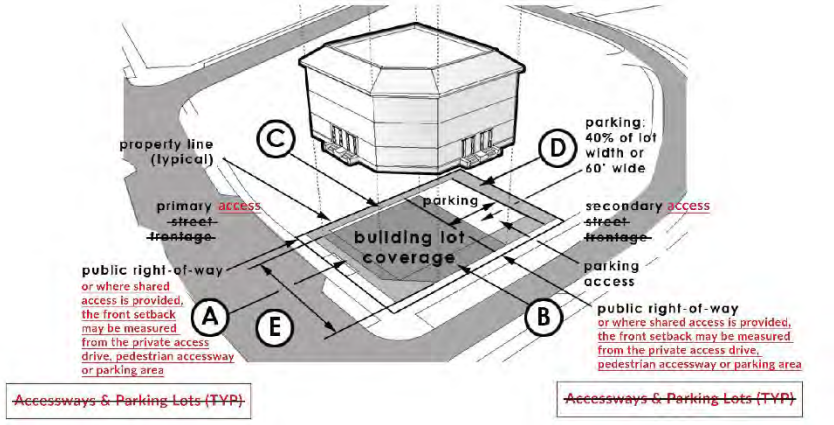
Sec.60-40(b) Table update

Characteristic Features

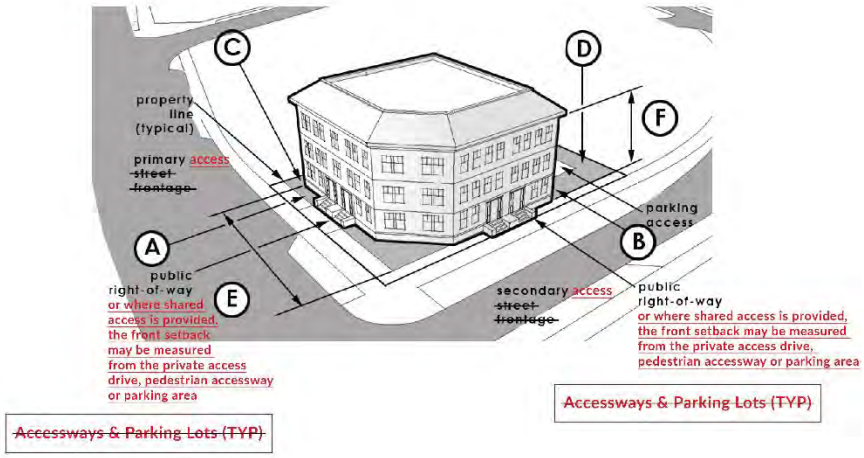
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



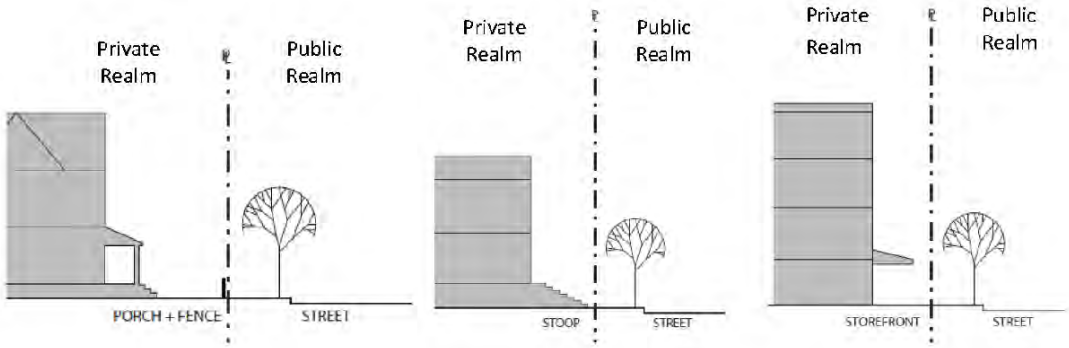
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary) for commercial and multi-family uses and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal – Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential with one or two units – No minimum and maximum window and door area applies. Residential with three or more units- Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Residential structures with one or two units – No minimum and maximum window and door area applies. Residential structures with three or more units and Commercial - Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-4. Zoning districts.

(a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.

(b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
Form Based Code Regulating Plan:		
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	T-4.1
Traditional Neighborhood (Transect 4.2B)	Residential/Commercial	T-4.2B
Traditional Downtown Neighborhood (Transect 4.2)	Residential/Commercial	T-4.2
Downtown Traditional Center (Transect 5.1)	Residential/Commercial	T-5.1
Downtown City Center (Transect 5.2)	Residential/Commercial	T-5.2
Great Falls Metropolitan (Transect 6)	Residential/Commercial	T-6
Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	MHO

(Ord. of 9-21-2009, § 1.2; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 56, 3-15-2021)

ORDINANCE 12-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B, adding ** Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B and to add the zoning district Traditional Neighborhood (Transect T-4.2B) to Sec. 60-4-. zoning districts as shown in the attached draft ordinance language.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 13-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area A1".

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area A1, generally located in the New Auburn area near South Main and Broad Streets and Vickery Road, from the Urban Residence, Multifamily Suburban, Neighborhood Business, Low Density Rural Residence (Rural Residential), and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B and Conservation/Open Space zoning districts. Area A1 is part of Area A, which was presented to the Planning Board on July 11, 2023. Area A was divided into Area A1 and Area A2 for the August 8 Planning Board meeting so Planning Board and City Council could consider how the proposed zone, T-4.2B, would apply to different parts of this land area, and consider the zone change incrementally.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend area A1 as described, in the attached motion and staff report, and shown on the attached map.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's findings, discuss, hold a public hearing on Area A1 as presented and vote to approve the map amendment.

Previous Meetings and History:

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

Public hearing and first reading on 9/5/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed map amendment, T-4.2B ordinance text, Appendix A Transporation Document, Form Based Code FAQs, and Ordinance 13-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area A1.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.

MOTION: Paul Jacques; **SECOND**: Darren Finnegan.

"I make a motion to recommends amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1)" **VOTE:** 5-2-0 motion passes.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

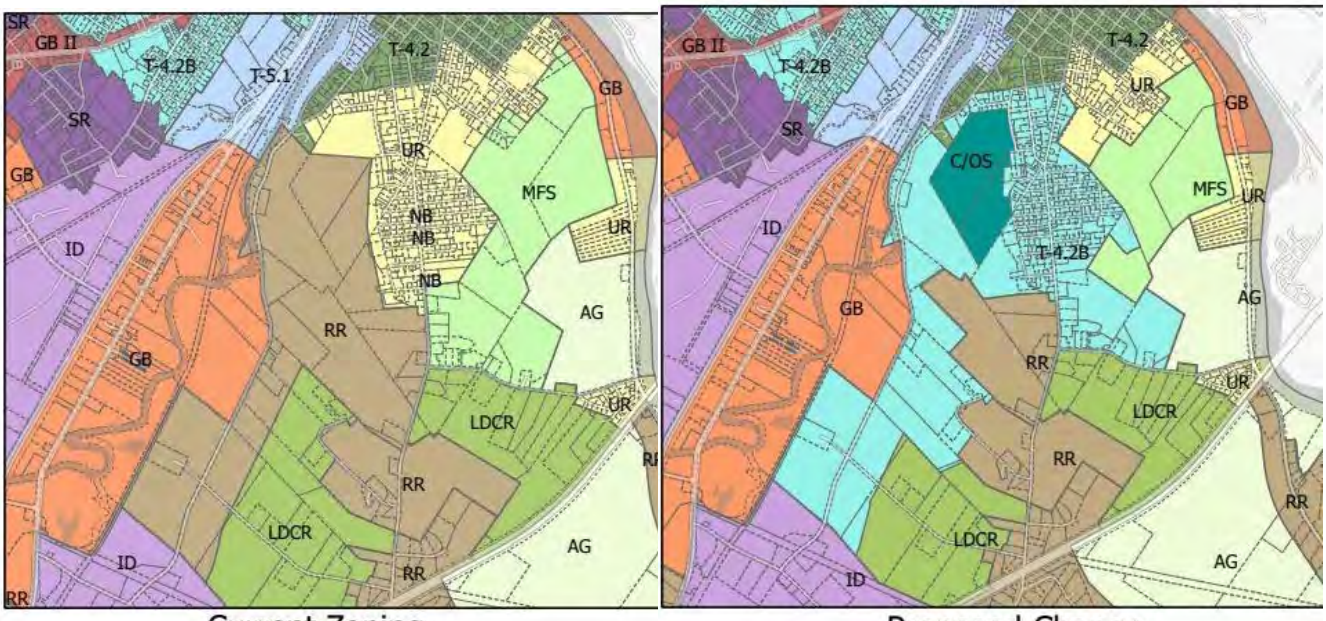
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A1

Date: August 8, 2023

I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A1: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.



Current Zoning | Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four Areas, A-D, across the city.

The July 11, 2023 meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. "Area A" as presented on July 11 has been divided into 'Area A1" and "Area A2". Since portions of the area are more controversial than others, this makes it possible to decide on the two portions individually as shown on the proposed zoning maps.
2. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
3. Two parcels, Sherwood Forest, and the adjacent parcel owned by Androscoggin Land Trust are proposed to be changed to a Conservation Open Space zone to reflect their public use and to make it clear that they are not available for T-4.2B development.

III. **Traditional Neighborhood Development District:** *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the

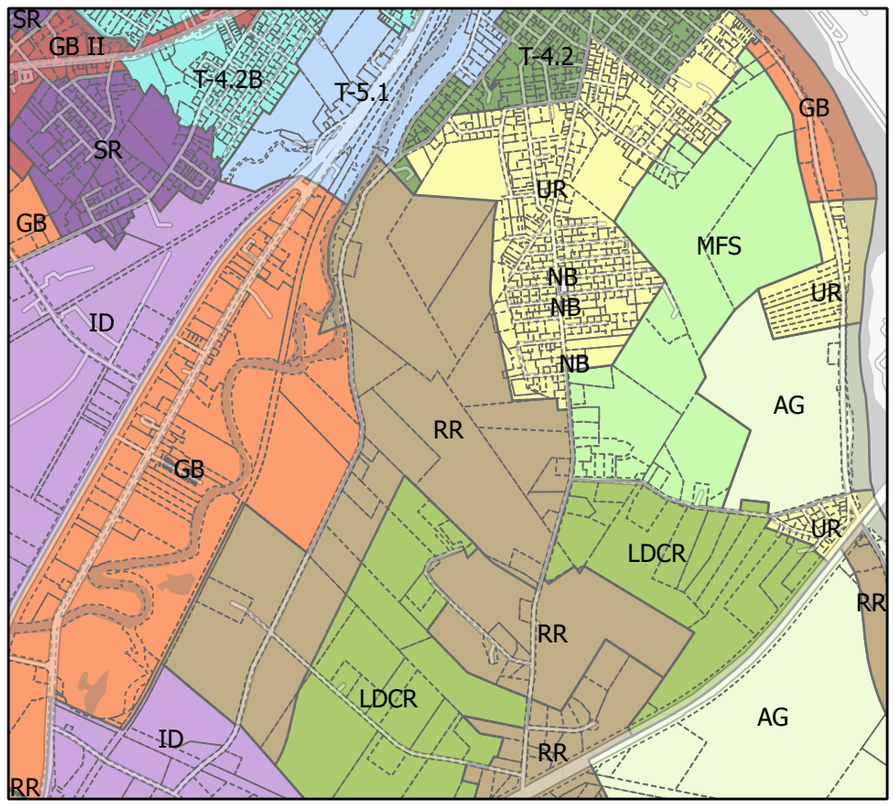
size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Suggested Findings, Reasons and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B and Conservation Open Space as shown on the attached proposed zoning map (Area A1) with the following suggested findings:

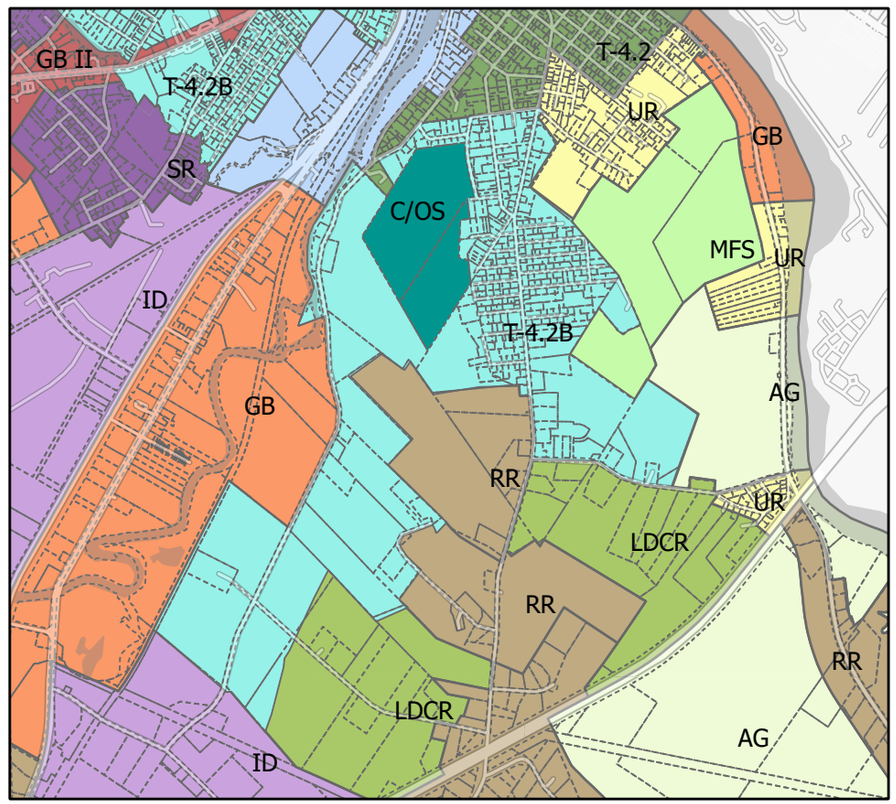
1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A1 Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A1 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks as proposed alleviates this challenge.
9. The current zoning in Area A1 only allows single-family and two-family homes, limiting housing affordability, production and who can live in Auburn's neighborhoods. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many people. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

V. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1).

Area A1



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

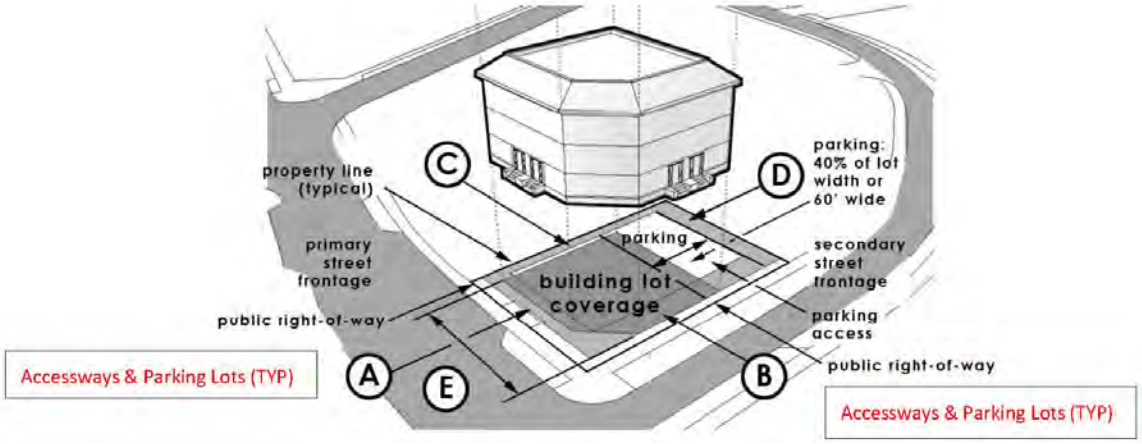
The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

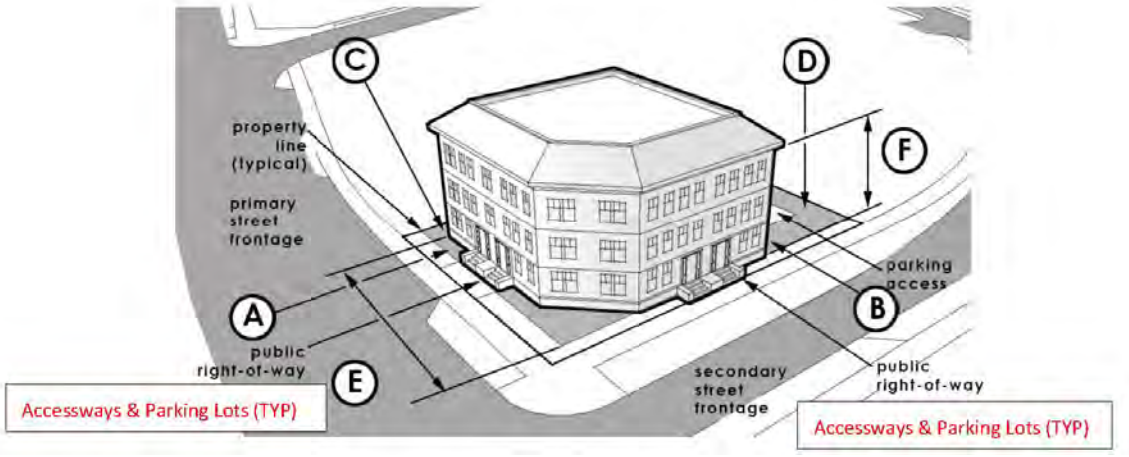
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



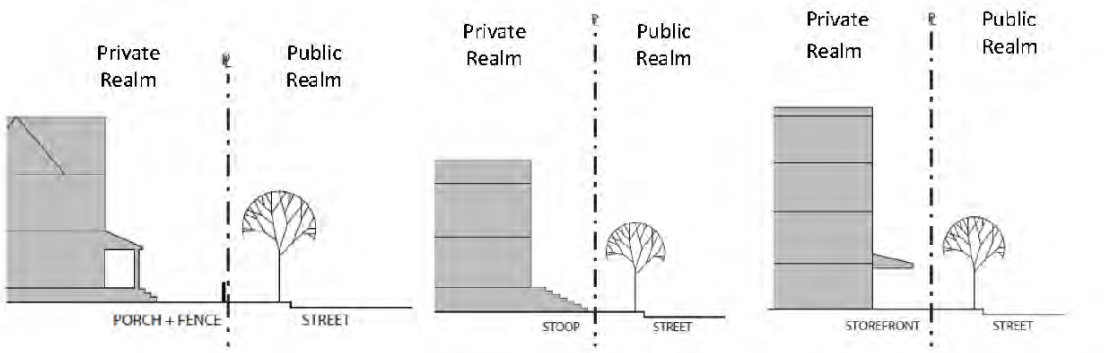
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.3. External elements T-4.2B.

Front yard fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

Appendix A: Transportation Goals: This applies to Area A1, A2, Area B1 & B1. Future plan regarding Washington Street also connect to Area C.

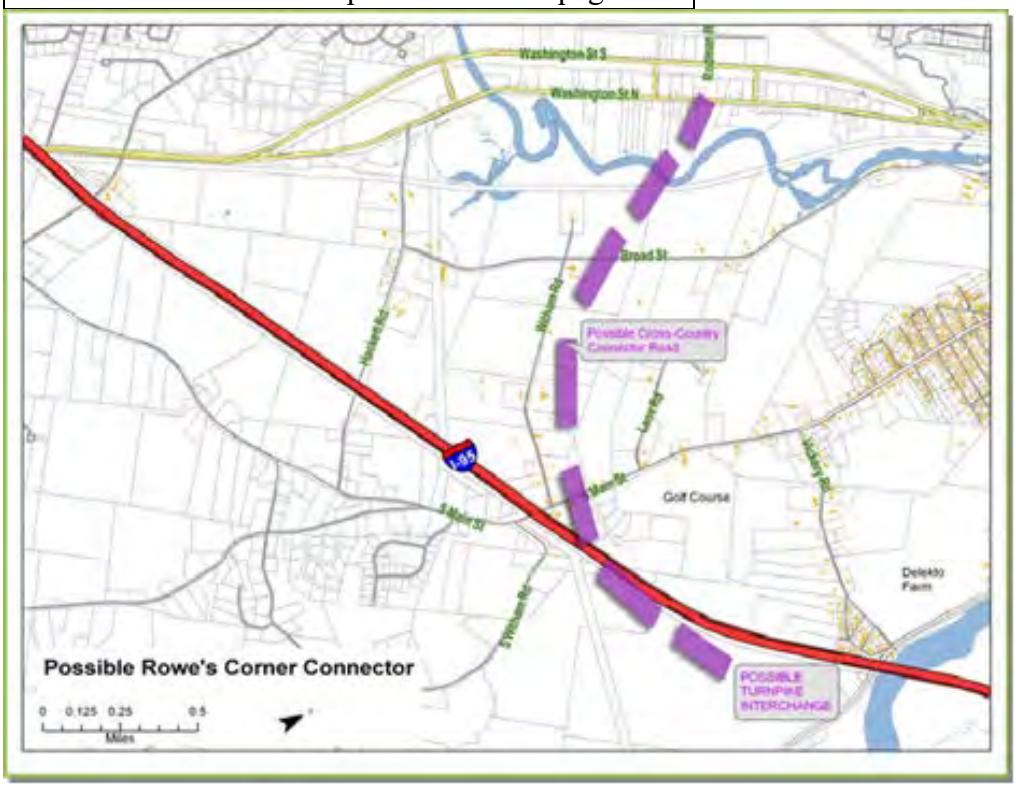
"Goal G.1: Auburn supports real-estate growth patterns that fully utilize the utility of all road networks in the city, making necessary additional connections between road networks to advance this goal…"

1. The full utility of the Maine Turnpike and Washington Street have not been integrated into residential growth patterns in Auburn. Previous efforts to integrate the Turnpike focused on industrial/commercial growth, which is no longer recommended in the Comprehensive Plan.
2. The New Auburn area is dominated by streets running north to south with limited east to west connections. The Little Androscoggin and Androscoggin Rivers have driven that development history and the Comprehensive Plan specifies recommendations to establish broader east-west connectivity. Developing a grid network as projects are proposed under site plan review will allow for priority streets to serve both local uses and regional mobility and keep through traffic out of neighborhoods.
3. Developing a connected grid of streets will need to be part of site plan review to avoid creating congestion and safety issues in key areas of New Auburn village and Danville.

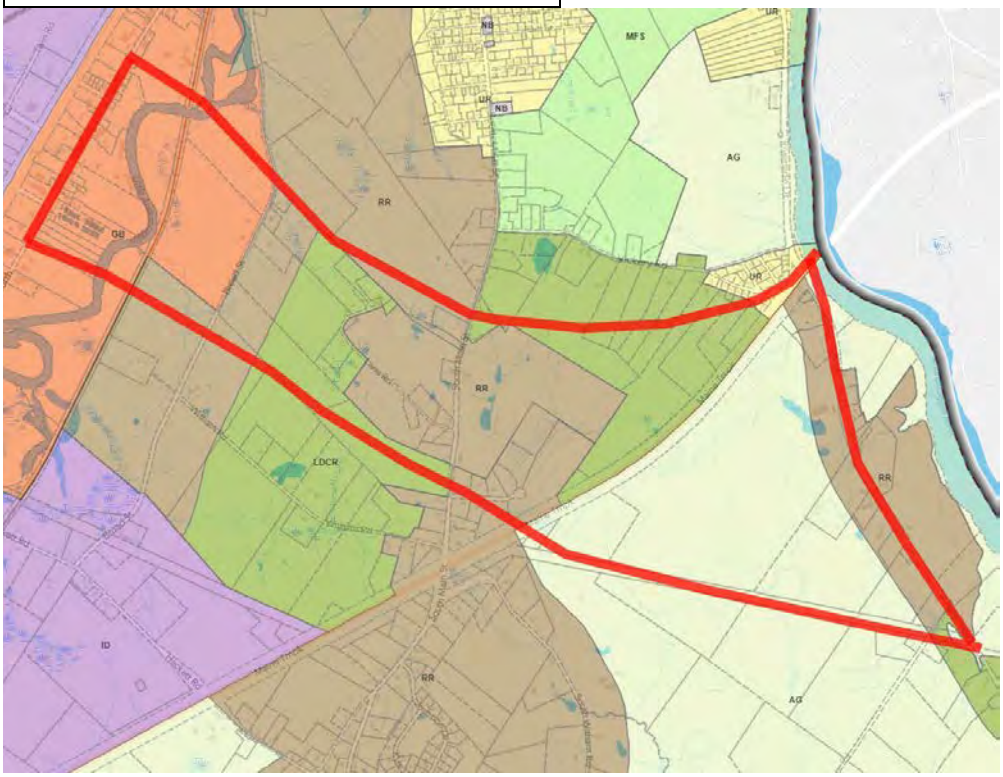
"Goal G.2: Auburn has a well-designed–and functioning road network that safely and equitably moves all manner of users (cars, buses, bikes, and pedestrians) into and through the community while expanding traditional residential neighborhood growth patterns in Danville and New Auburn. Expansions in neighborhood growth are in keeping with traditional transportation network patterns, such as interconnected streets that provide multiple travel patterns, avoiding a rigid hierarchy of streets."

1. Additional residential growth at the densities already in place in the core neighborhood will have an impact on the existing road network in New Auburn. Implementing this comprehensive plan goal is done through increased density allowed in zoning and the establishment of an interconnected street grid, over time, resembling the existing built area.
2. Expansions in transportation capacity, such as connector roads or highway interchanges, are difficult to permit if the goal is "sprawl repair" due to haphazard road layout and inefficient use of land for community growth.
3. New capacity, linked to providing for regional mobility and a protection of neighborhood and village street grids, does provide a strong foundation for pursuing state/federal permitting.

Possible Connector- Comprehensive Plan page 51



Possible Connector Protection Corridor



FREQUENTLY ASKED QUESTIONS

FORM-BASED CODE The Form Based Code Institute defines a form-based code as "a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation."[2] The purpose of implementing form-based code is to provide equitable access to housing in walkable neighborhoods by allowing residential uses at a density driven by the form, lot size and configuration of the lot with less minimum road frontage required and shared driveways encouraged. Form-based code regulates the physical form of the built environment using transects, which are the standardized categories that describe the range or continuum of development types; from T-1 Natural Areas to T-6 Urban Core or City Center with an additional category designated for other uses. Form-based code offers an alternative to traditional zoning laws which separate where we live from where we work, learn, shop, play, and gather. By strictly regulating the setbacks and types of housing, units are built further apart resulting in greater reliance on roads. As an alternative, form-based code promotes walkability by reducing the separation between private and public realms of life. Auburn's form-based code proposes six types of form-based code districts, T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6. These districts range from least urban to most urban. T-4.2B is characterized as the Traditional Neighborhood Development District or General Urban Zone.

How would T-4.2B affect my neighborhood?

Building by form as regulated in T-4.2B will differ based on where you live and the existing neighborhood form. Most city lots are small and already built on, likely limiting additional development to infill housing opportunities and freedom for property owners to add additional units or make improvements to existing homes. Each landowner can decide whether to make changes to their property based on the ordinances and the existing conditions. In general, this zoning opens opportunities for landowners to add value to their property.

Would higher density in the city core make the traffic worse? Adding more housing, though may add more vehicles to the road in the short term, will allow the city to fund projects to improve current road conditions, and invest in improving circulation patterns throughout the city. Increasing density will also make Auburn a more viable location to extend pedestrian and bicycle infrastructure, local public transit, and especially commuter transportation to and from nearby metro areas like Boston, Portland, and more.

Form based code encourages building closer to the street, creating the illusion of narrower roadways which are proven to slow down vehicles. This zoning encourages and supports safe pedestrian traffic, over time also decreasing reliance on vehicles.

More units will mean more kids who need education. Will T-4.2B make this worse for already strained educators?

Applying form-based code could improve the state of Auburn's schools. Over the past several years, students enrolled in Auburn public schools have been stagnant and falling. Fairview can absorb another 100 students, Walton can absorb another 150, and East Auburn is close to capacity but could absorb about 20 more students. Altogether, the district could absorb up to 500-600 more students.

A reliable marker for determining enrollment trends in schools is the rate of preschool enrollment. Superintendent, Dr. Connie Brown, noted in 2022 that preschool enrollment has been decreasing over the past several years resulting in needing to close Walton Preschool and reducing the hours of East Auburn preschool. She noted that there are other schools that may need to close if they cannot increase enrollment.

The school district can, and in some cases will need to absorb more students, though it is also struggling with attracting and retaining teachers. The recommended monthly house payment is 28% of a person's income. The entry level pay for a teacher is $42,000.00, a firefighter starting wage is $45,000.00 plus average OT is $10,000 for a total of $55,000.00, and a police officer with OT is $65,000.00. The average price of an existing, entry level home is $267,500.00 and the average cost of a new entry level home is $318,000. Based on the 28% recommendation, a person would need to make $87,450.00/ year to afford an existing entry level home, and 104,6000.000/year to afford a new entry-level home. People working the above noted jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the city that they work in. A teacher and fireperson living together still could not afford a single-family home in the city where they work. Dr. Brown stated that her number-one reason for teacher resignations is that they found another job closer to where they live. Housing options need to reflect different families and individuals' lifestyles and incomes.

How might new zoning affect the housing crisis?

In his article, "3 Zoning changes that Make Residential Neighborhoods More Affordable", Founder and Director of the Urban Sustainability Accelerator and Institute for Sustainable Solutions at Portland State University, Robert Liberty, identified eliminating single-family-residential-only zoning as an important factor to make residential neighborhoods more affordable. Multifamily housing is outlawed in about 75% of the country which poses a significant barrier for low to middle income residents by reinforcing housing segregation and increasing reliance on cars.

Form-based code allows mixed uses and businesses among homes. What does this mean? What can I expect?

T-4.2B will allow uses other than single family including small businesses with a residential unit on the same parcel. Businesses shall not be over 1,500 square feet. Drive-through restaurants are not allowed in T-4.2B and cannabis shops are also prohibited. There are some businesses that

will be prohibited, and most will require Special Exception Approval from the Planning Board, with Public Notice and Hearing, depending on the size and type.

WHY CONSIDER APPLYING FORM BASED CODE TO THESE FIVE AREAS:

1. The proposed zone change will **increase housing opportunity** for more people by lowering barriers to finding housing. Auburn's housing supply is limited and is not increasing fast enough to accommodate both current residents and those who want to call Auburn home. Housing scarcity drives up prices and increasing the supply of housing will lower the cost overtime.
2. The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young families, empty nesters, older adults and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community be allowing neighbors to live close to and among each other.
3. Current traditional zoning laws tend to separate where we live from where we work, learn, and shop and force us to center roads over all other aspects of city design. These roads, as they are today, are dangerous to pedestrians and cyclists. We have an over-reliance on cars and Auburn's form-based code is meant to provide an alternative. T-4.2B **encourages walkability** by allowing uses that are not exclusively residential in moderately dense urban environments. There will not be walkability if there is nowhere to walk to. Encouraging infill and small business growth encourages walkability by giving folks spaces to walk to. Suburban sprawl as it exists limits transportation to folks who have a car and assumes that there will be little to no walking. It champions cars and roads over people and centralized communities.

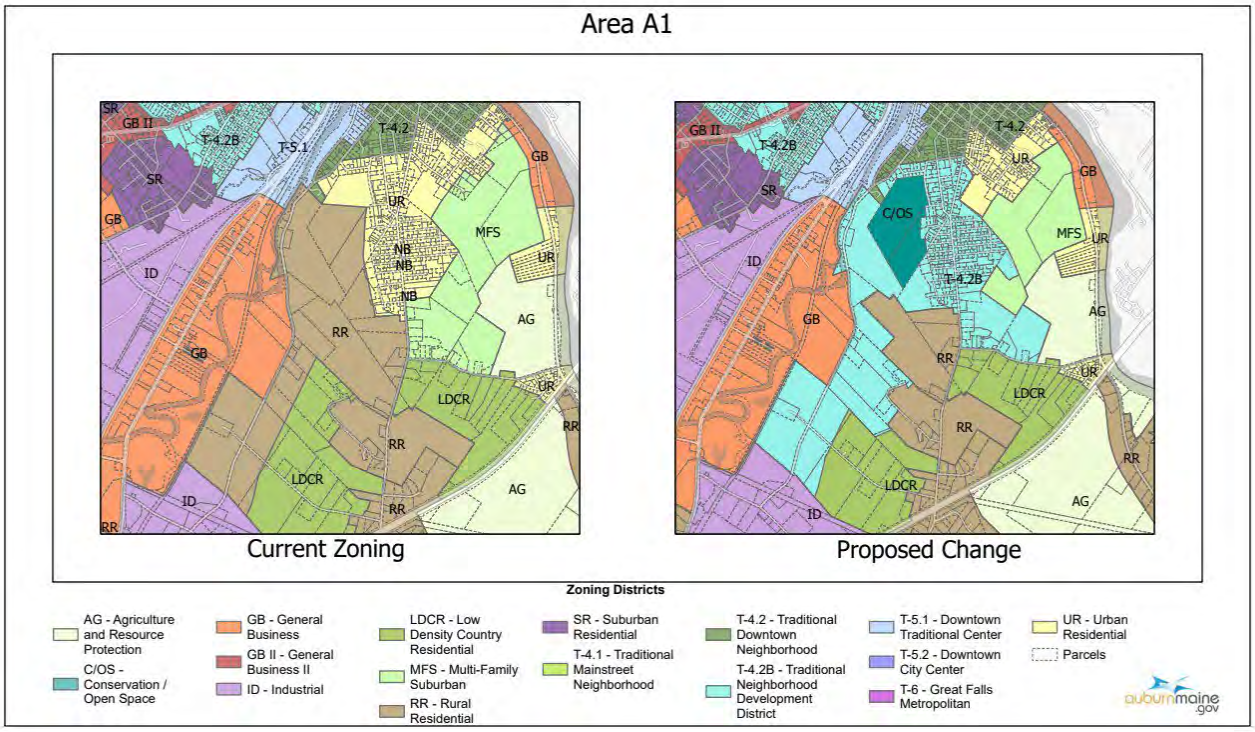
ORDINANCE 13-09052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR, MFS, NB, RR, and LDCR zoning to T-4.2B in Area A1

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district as shown on the attached map.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 14-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area A2".

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area A2, generally located near South Main, Loring, Mary Carroll and Seventh Street, from the Urban Residence and Multifamily Suburban zoning districts to the Traditional Neighborhood Form Based Code T-4.2B and Conservation/Open Space zoning districts. Area A2 is part of Area A, which was presented to the Planning Board on July 11, 2023. Area A was divided into Area A1 and Area A2 for the August 8 Planning Board meeting so Planning Board and City Council could consider how the proposed zone, T-4.2B, would apply to different parts of this land area, and consider the zone change incrementally. A1 and A2 meet near Loring Ave and South Main St.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend area A2 as described, in the attached motion and staff report, and shown on the attached map and the vote failed 3/4. The Board followed up with a motion to not recommend approval and the motion passed 4/3.

City Budgetary Impacts: None

Staff Recommended Action:
Public hearing and first reading on 9/5/2023.

Previous Meetings and History:

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

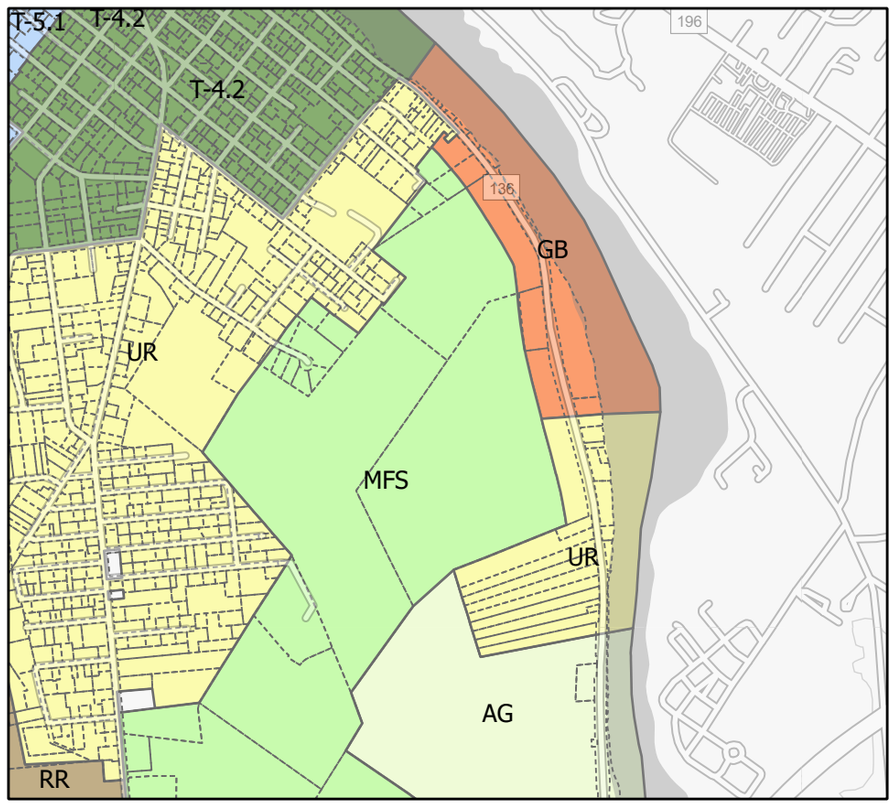
August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas. City Council Public hearing and first reading on 9/5/2023.

City Manager Comments:

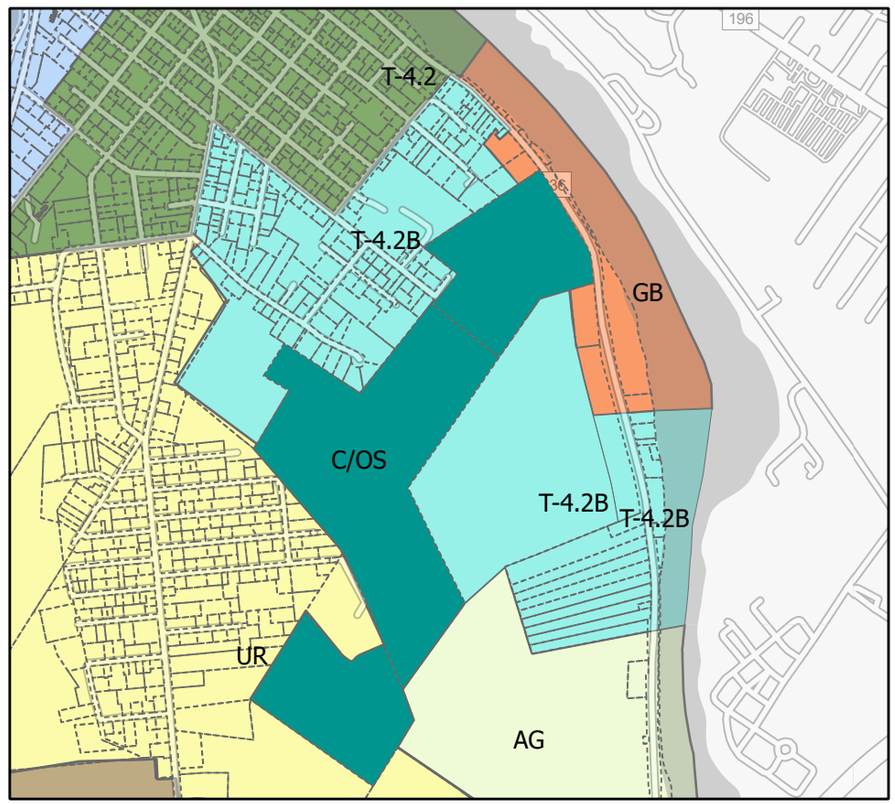
I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed map amendment, Ordinance 14-09052023.

Area A2



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

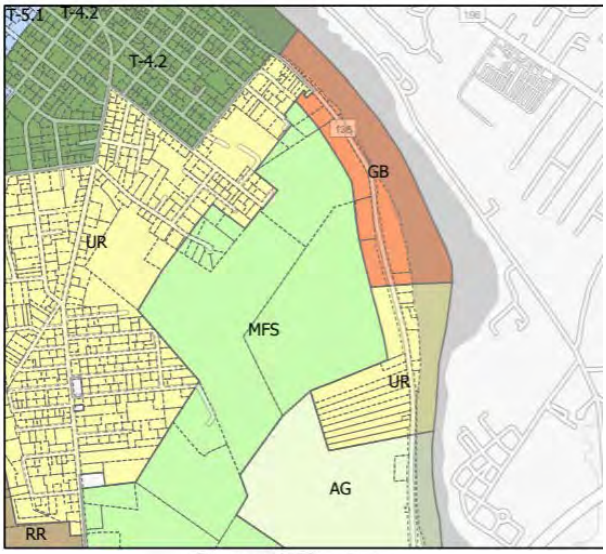
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

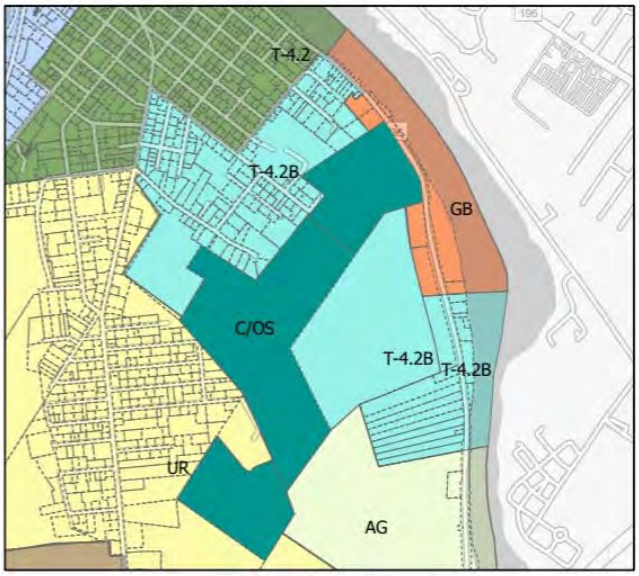
Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A2

Date: August 8, 2023

I. **Public Hearing/ Zoning Map Amendment/ T-4.2B Area A2:** Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.



Current Zoning



Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city. The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of

the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. "Area A" as presented on July 11 has been divided into 'Area A1" and "Area A2".
2. Area A2 is located near Mary Carroll St., Seventh St., to South Main St., and Loring Ave., where area A2 and A1 meet.
3. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
4. Three parcels, Huston Field, and the adjacent parcel owned by Androscoggin Land Trust, and Oak Hill Cemetery are proposed to be rezoned to Conservation Open Space to reflect their public/neighborhood use.

III. Traditional Neighborhood Development District: *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Transportation Goals*: See Appendix A.*

V. Suggested Reasons, Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A2 Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A2 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks alleviates this challenge.
9. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003, and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

VI. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning

district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area A2.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.

MOTION: Evan Cyr; **SECOND**: Darren Paul Jacques.

"I make a to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map." **VOTE:** 3-4-0 motion fails.

MOTION David Trask; **SECOND:** Toni Ferraro.

"I make a motion to not recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on

the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map." **VOTE:** 4-3-0 motion passes.

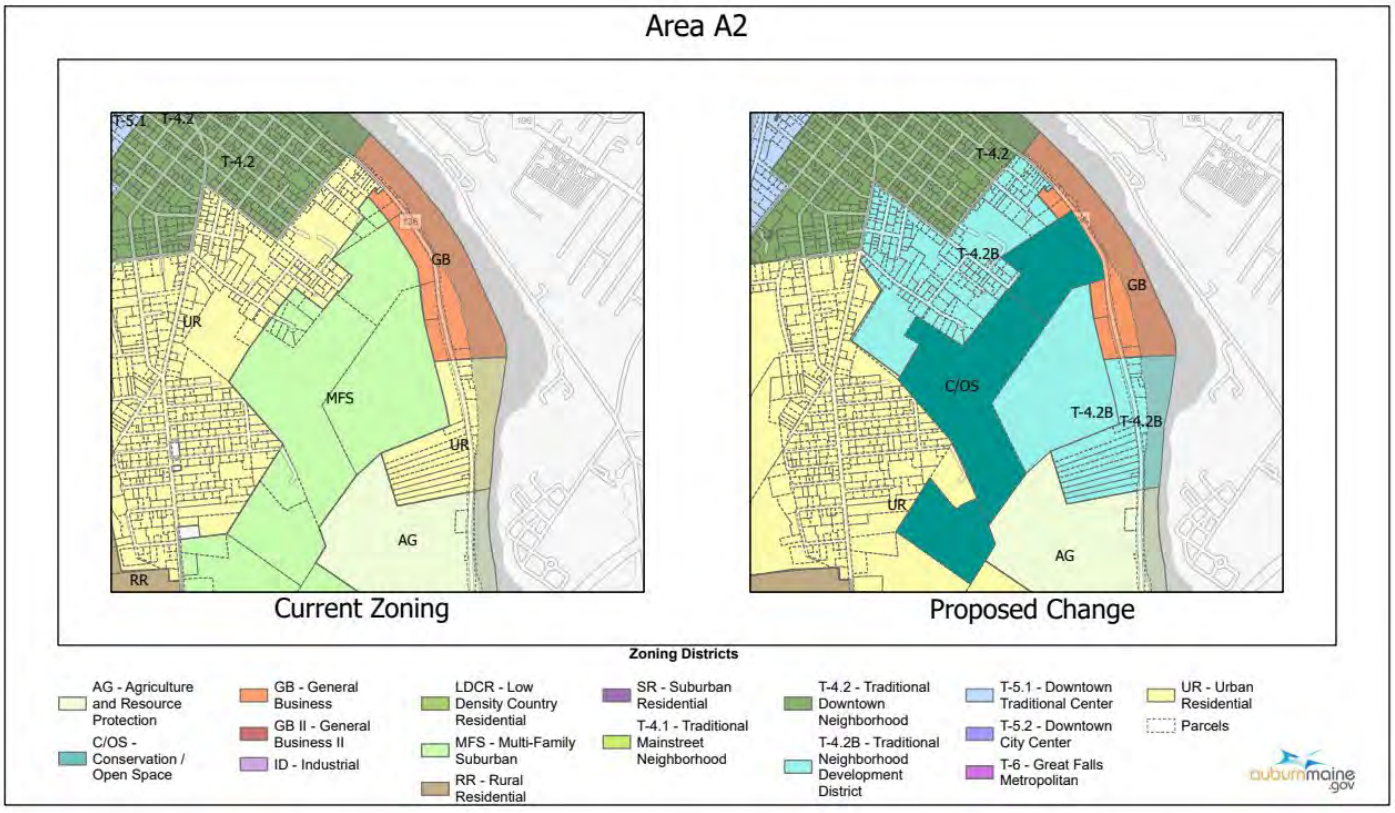
ORDINANCE 14-09052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area A2

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. as shown on the attached map.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 15-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area C".

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area C, generally located near Poland, Rodman, Manley and Hotel Roads, from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. After conducting a public hearing, Planning Board is recommending that City Council vote to amend area C as described, in the attached motion and staff report, and shown on the attached map.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's findings, discuss, hold a public hearing on Area C as presented and vote on first reading.

Previous Meetings and History:

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas. Public hearing and first reading on 9/5/2023.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, proposed map amendment, 08/08/2023 staff report, Ordinance 15-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area C.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads.

MOTION: Evan Cyr; **SECOND:** Riley Bergeron.

"I make a to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C." **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

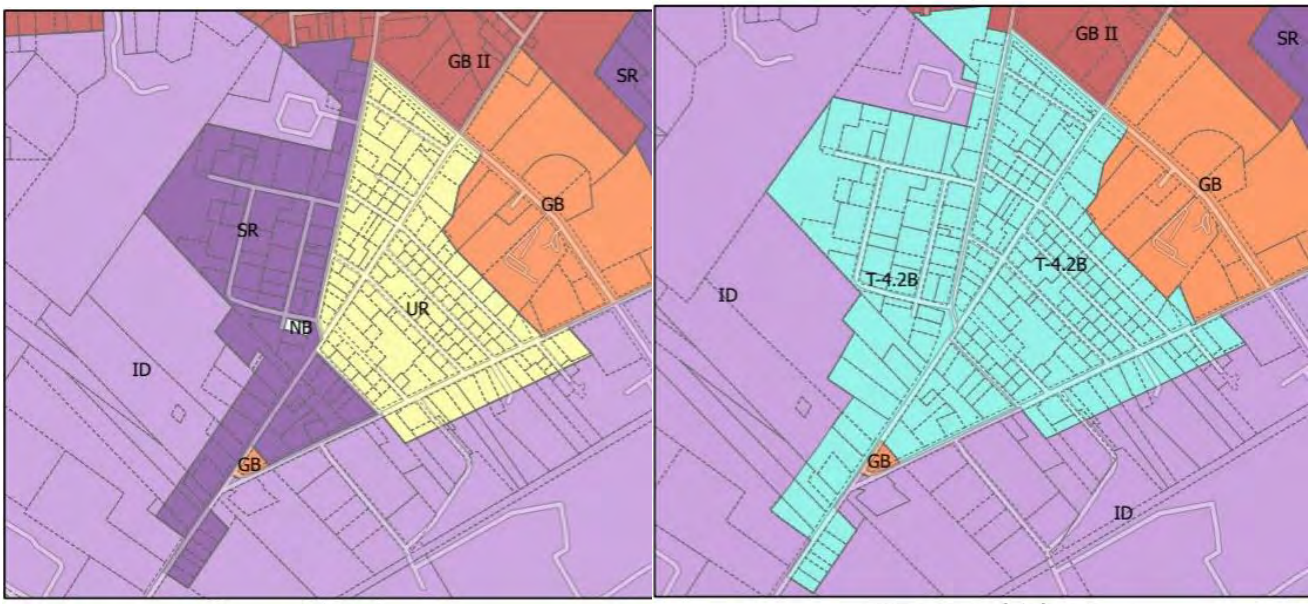
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area C

Date: August 8, 2023

I. Public Hearing/ Zoning Map Amendments/ T-4.2B Area C: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads as shown on the attached map.



II. Background: Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The new zone boundaries were slightly cleaned up from last year's map so that zoning boundaries more frequently follow parcel lines rather than splitting smaller parcels between zoning districts.

III. Traditional Neighborhood Development District: *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

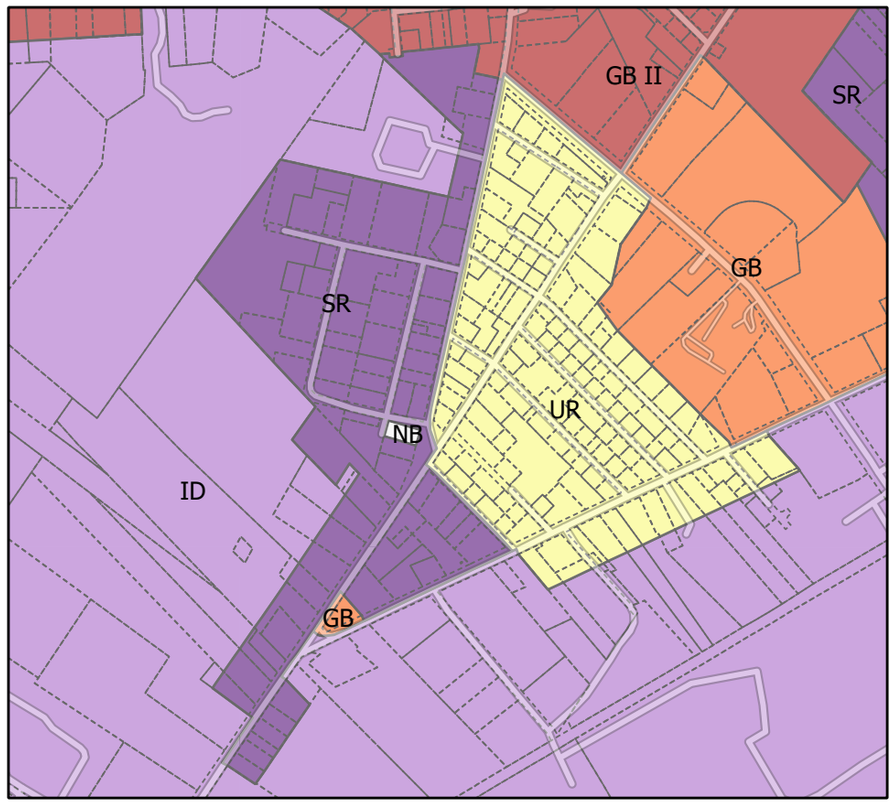
Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Suggested Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area C to T-4.2B with the following suggested findings:

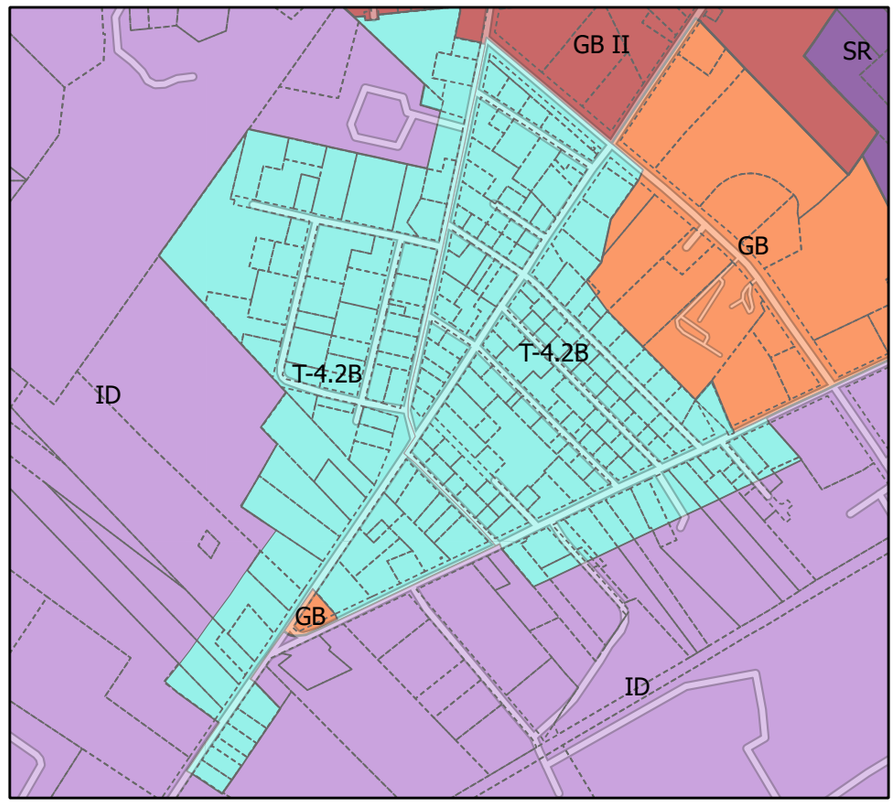
1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals and will be integrated into the Washington Street Corridor roadway and pedestrian connectivity plans.
3. The Comprehensive Plan supports growth in the "city core" which includes Area C. Developing within the city core means more efficient, cost-effective city services to support growth.
4. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
5. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
6. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
7. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
8. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

I. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C.

Area C



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

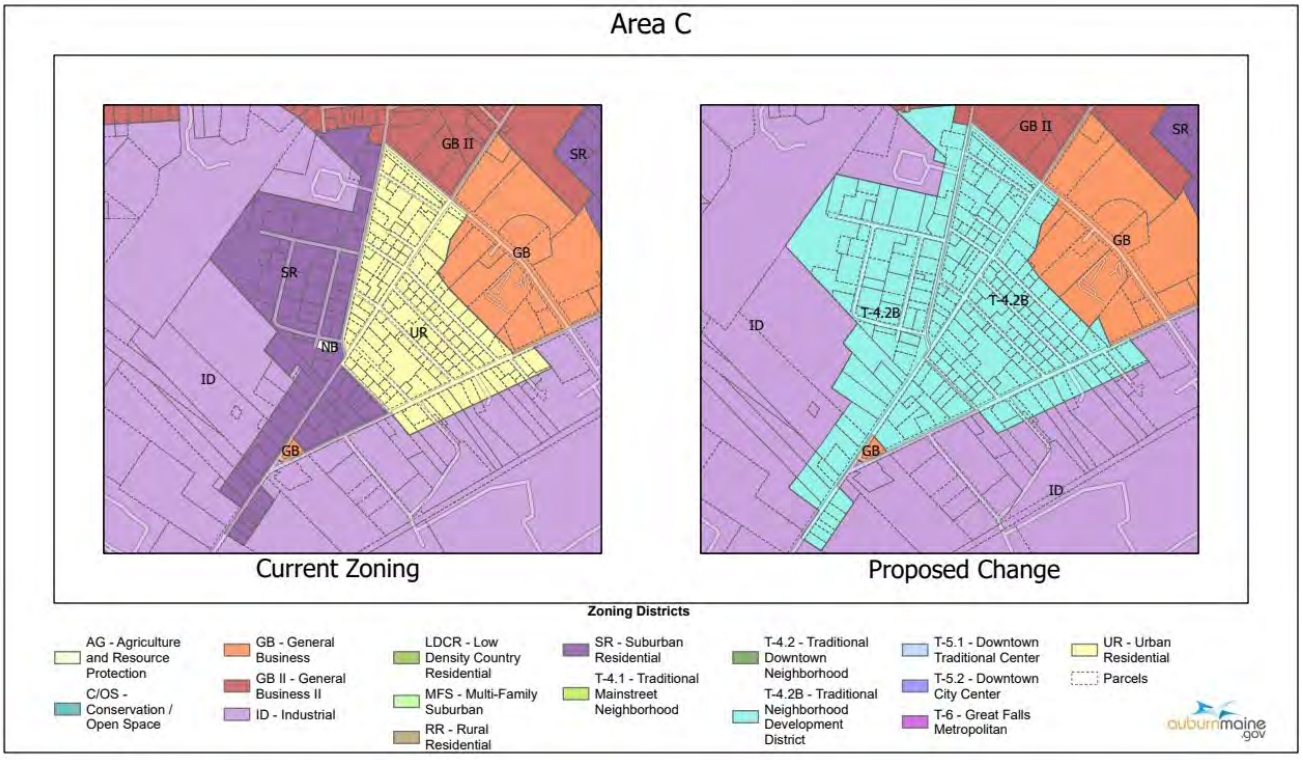
ORDINANCE 15-09052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR, SR, ID, GB, and NB zoning to T-4.2B in Area C

Be it ordained, That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 16-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area D".

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area D, generally located near Northern Avenue, North River Road, and Bradman Streets, from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. After conducting a public hearing, Planning Board is recommending that City Council vote to amend area D as described, in the attached motion and staff report, and shown on the attached map.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's findings, discuss, hold a public hearing on Area D as presented and vote to approve first reading.

Previous Meetings and History:

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

Public hearing and first reading held on 9/05/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Planning Board recommendation to City Council, proposed map amendment, 08/08/2023 staff report, and Ordinance 16-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area D.

Date: 09/05/2023

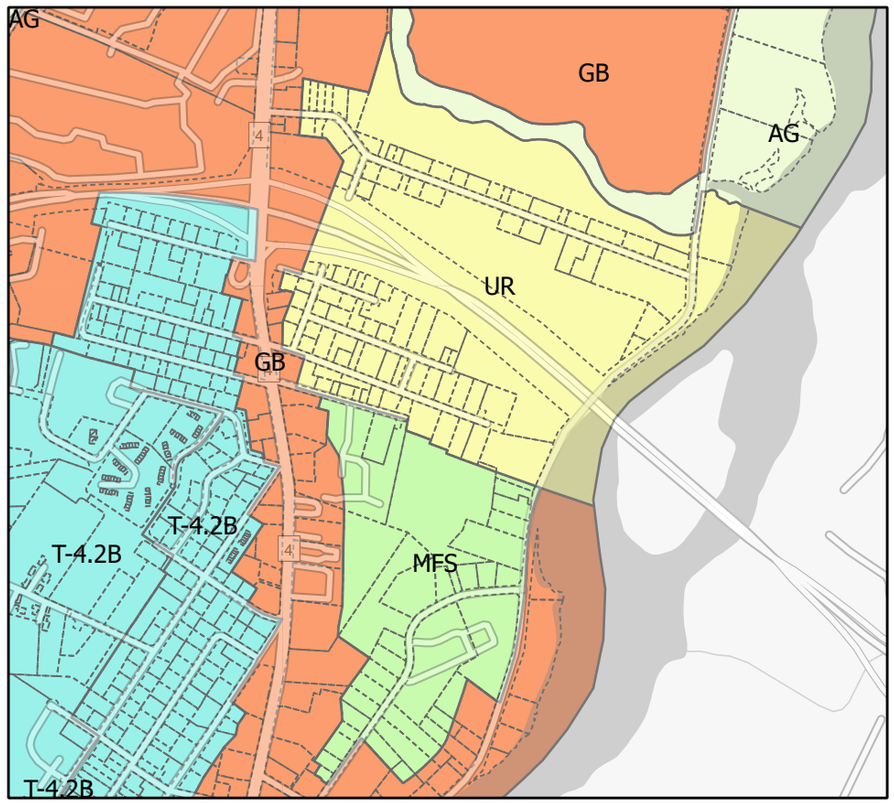
This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road, and Bradman Streets.

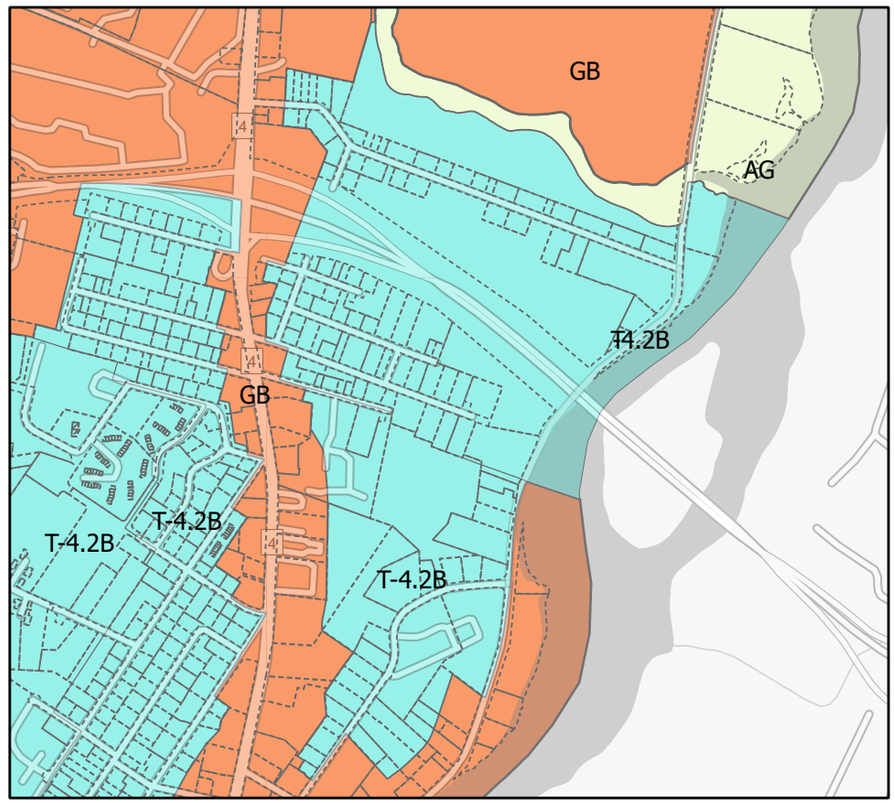
MOTION: Evan Cyr; **SECOND:** Paul Jacques.

"I make a to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.' **VOTE:** 7-0-0.

Area D



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

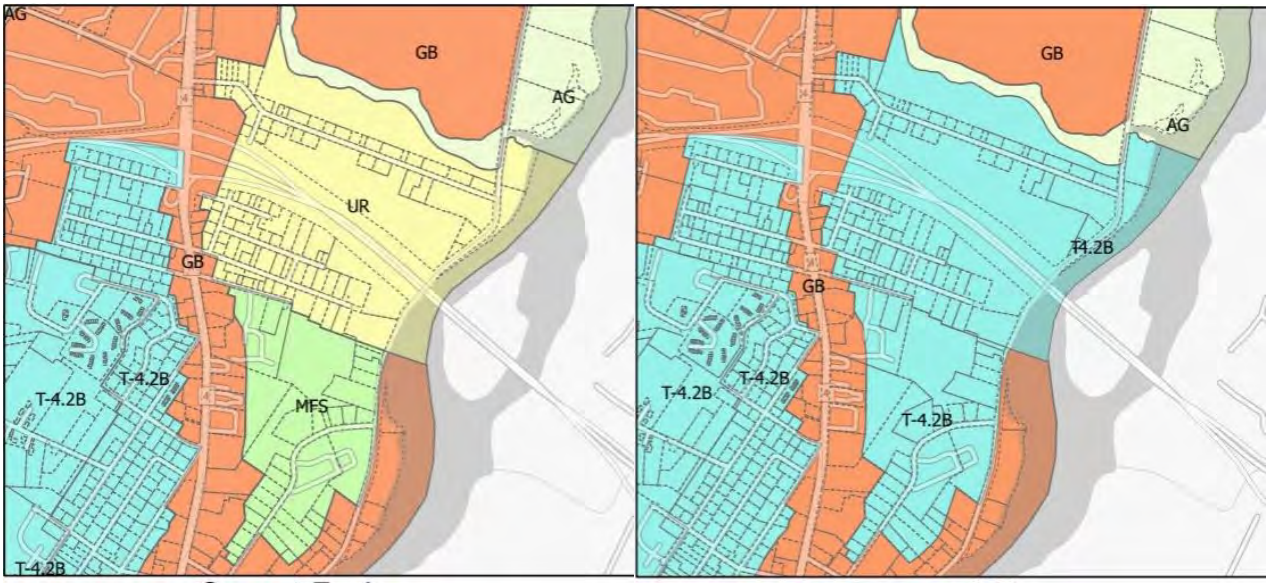
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area D

Date: August 8, 2023

I. **Public Hearing/ Zoning Map Amendment/ T-4.2B Area D:** Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road and Bradman Streets.



Current Zoning Proposed Change

II. **Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council.

Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The previous map showed a 100 ft. strip along North River Road to be changed to T-4.2B. The Planning Board gave feedback that they were not comfortable with this strip, and asked instead to show the map without the area north of Bobbin Mill Brook, reducing the acreage considered for Area D.

III. **Traditional Neighborhood Development District T-4.2B:** *Description*- The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. **Suggested Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area D to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.

2. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
3. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
4. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
5. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. It discards the obsolete zoning construct that requires more land than needed for supporting residences.
6. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for most. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
7. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
8. Form based code is appropriate for this area considering the existing Urban Residential, Multifamily, and General Business zoning.

V. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.

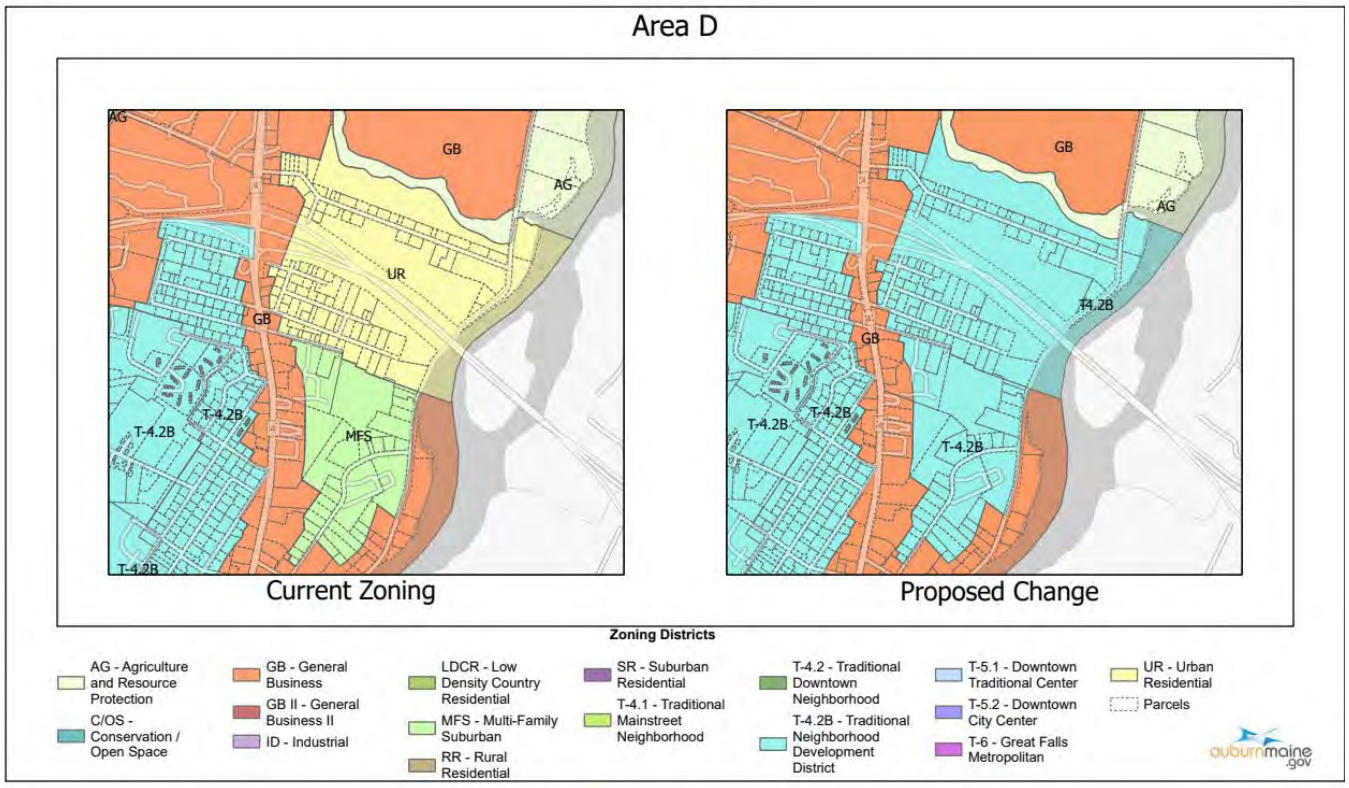
ORDINANCE 16-09052023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area D

Be it ordained, That the Auburn City Council Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 17-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Zoning Ordinance Text Amendment (B1)– Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend the ordinance as follows:

"I make a to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached." VOTE: 7-0-0 motion passes

Amendment 6 that the Planning Board recommended excluding reads as follows: Front. There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.

Amendment 8: No amendment needed. 10-acre conservation cemetery allowance was already adopted by Council and was corrected in the attached ordinance text as adopted.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's recommendation, discuss, hold a public hearing on the text amendment as presented and vote to approve first reading with any exclusions that the Council determines are appropriate. The Changes are summarized and numbered in the Ordinance so they can re referenced as amendments if the Council chooses to approve some and exclude others. Public hearing and first reading on 9/5/2023.

Previous Meetings and History:
July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 17-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B-1 with Planning Board Clarification Amendments #1-8

Date: August 8, 2023

I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B1) Planning Board Proposed Changes Numbers One Through Eight: Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

II. Background: On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve proposal B without the amendments offered in the Planning Board recommendation to City Council on AGRP Zone Proposals A and B (included in this packet) and issued an Order that Planning Board hold a public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B-1 with Planning Board Clarification Amendments #1-8 are complimentary to the existing language and function of adopted Proposal B, and do not seem to impose significant change from the previously approved Proposal B. Proposal B-1 with Planning Board Clarification Amendments #1-8 is summarized below and references each motion from 6/6/2023 prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. Proposal B-1 with Planning Board Clarification Amendments #1-8

1. Add "or two acres, whichever is less" after the word coverage in Sec. 60-145(a)(1)(a). (Motion 1)
   Amendment 1 is intended to concentrate the residential development to a smaller percent of each lot and avoid disrupting more land than is needed.

2. Add "agriculture," in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm. (Motion 2*)

Amendment 2 broadens the uses that would allow for a residential unit to include agriculture uses in addition to farming, natural resource, or recreation.

3. Add "and Sec. 60-145(a)(1)(b)(ii)" in Sec. 60-145(a)(1)(c) after the reference to "Sec. 60-145(a)(1)(a)". (Motion 4)
   Amendment 3 adds the requirement that a bona fide farm plan be presented to staff who will determine whether the proposal meets the ordinance before a certificate of occupancy is granted for a dwelling. In addition to the criteria that residential structures are limited to a footprint of 20% of the lot area or 2 acres, whichever is less.

4. Add "and Sec. 60-145(a)(1)(b)(ii)" in Sec. 60-145 (a)(1)(d) after the reference to "Sec. 60-145(a)(1)(a)". (Motion 5*)
   Amendment 4 adds specification that in order for a dwelling to continue existing, it must continually meet the requirements of a bona fide farm, in addition to keeping the residential footprint to 20% of the lot area or 2 acres, whichever is less.
5. Add "along a publicly accepted street" to 60-146(1) after the word "frontage" (Motion 6).
   Amendment 5 specifies that private ways may not be used as road frontage. This is intended to reduce the possibility of creating new roads for the purposes of developing housing, and generally limits the area able to be developed in the AGRP zone.

6. Add "or 400 feet, whichever is less" to Sec. 60-146(3)(c) after the word "lot".
   Amendment 6 limits the maximum development depth on particularly large lots, thereby reducing land fragmentation and disturbing less earth for the construction.

7. Add "firewood processing, Christmas tree cultivation" to Sec. 145(a)(3) after the word "sugaring".
   Amendment 7 is meant to recognize other common natural resources and timber harvesting practices besides agriculture and forestry. It expands the uses for which a home can be accessory.

8. The updated proposal draft includes Sec. 60-145(b)(8)(c), recognizing that 10 acres is the minimum size for conservation cemeteries. This was previously adopted by the council so it is not shown as a change in this proposed text amendment.
   Number 8 recognizes that the motion was made to include 10-acre conservation cemeteries in the AGRP ordinance, by showing the adopted AGRP text that includes this as condition C.

IV. **Staff Recommendation:** Staff recommend the Planning Board recommend approval of all amendments in proposal B1, with the finding that they are in alignment with or strengthen the existing language and are true to the intent of the AGRP zone based on the Comprehensive Plan and existing Zoning.

V. **Suggested Motion:** I make a motion to recommend approval of the text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text change is attached.

Proposal B-1 with Pl Bd Clarification Amendments #1-8

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

● ● ●

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

● ● ●

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage or two acres, whichever is less of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, agricultural, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, agricultural, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, agricultural, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii).

(2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

(3) Forest products raised for harvest, including, but not limited to, maple sugaring, firewood processing, Christmas tree cultivation, or mushroom cultivation.

(4) Field crop farms.

(5) Row crop farms.

(6) Orchard farms.

(7) Truck gardens.

(8) Plant and tree nurseries.

(9) Greenhouses.
(10) Handling, storage or processing and sale of forestry products or agricultural products.
(11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
(12) Wayside stands.
(13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
(14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
(15) Marijuana manufacturing accessory to a licensed cultivation site.
(16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Sec. 60-1501.
(17) Natural resource uses.
(18) Small-scale recreational uses of land designed or intended for public use.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
(1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
a. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
b. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
(2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
(3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
(4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
(5) Non-small scale recreational uses of land intended or designed for public use subject to the following conditions:
a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
(6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
b. In cases where no minimum setback is established by division 5 of article XII of this chapter

an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

(7) Rifle, pistol, skeet or trap shooting ranges, public or private.

(8) Cemeteries, subject to the following conditions:
   a. At least 20 acres in area
   b. Not located in any environmental overlay district or over any known aquifer.
   c. At least 10 acres if designated a conservation cemetery.

(9) Municipal sanitary landfills, subject to the following conditions:
   a. Not located in any environmental overlay district or over any known aquifer.
   b. Provisions shall be made to avoid surface water and groundwater pollution.
   c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

(10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
   a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
   b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.

(11) Wholesale nurseries, subject to the following conditions:
   a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
   b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

(12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
   a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
   b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
   c. An end-use plan must be filed as part of the planning board process.

(13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.

(14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
   a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
   b. The proposed use shall not occupy more than 10,000 square feet of building area.
   c. The number of employees shall be limited to not more than 15.
   d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
   e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.

(15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
   a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
   b. Provisions shall be made to avoid surface and groundwater pollution.
   c. Provisions shall be made to counteract vermin, insects and odors.
   d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
   e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Adaptive reuse of structures of community significance.

(17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:

a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

c. The recreational or agricultural use is located on the parcel for which the special exception is (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:

(18) [RESERVED]

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:

a. Must comply with the provisions of article XVIII under this chapter;

b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:

1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.

c. Lot coverage shall not exceed 30 percent, as defined under Sec. 60-1506(a)(2).

d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on this subsection 60-145(b)(19)(d). by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state

department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.

g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.

h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
   1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
   2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
   3. To the extent possible, infrastructure shall not be located on steep slopes; and
   4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.

i. All operations and maintenance plans shall also include:
   1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
   2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage along a publicly accepted street, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

   a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.

   b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Sec. 60-2.

   c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing less than ten acres, only if approved pursuant to Sec. 60-145(a)(1).

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.

(3) *Yard requirements.*

   a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B1) Planning Board Proposed Changes #1-8.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2- Agriculture and Resource Protection District. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

MOTION: Evan Cyr; **SECOND** Riley Bergeron.

"I make a to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached." **VOTE:** 7-0-0 motion passes.

ORDINANCE 17-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance, including:

1. Add “or two acres, whichever is less” after the word coverage in Sec. 60-145(a)(1)(a).
2. Add “agriculture,” in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm.
3. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”.
4. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”.
5. Add “along a publicly accepted street” to 60-146(1) after the word “frontage”
~~6. Add “or 400 feet, whichever is less” to Sec. 60-146(3)(c) after the word “lot”. (Not Recommended by PB)~~
7. Add “firewood processing, Christmas tree cultivation” to Sec. 145(a)(3) after the word “sugaring”.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 18-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on Zoning Ordinance Text Amendment (B3)– Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed.

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.
After conducting a public hearing, Planning Board is recommending that City Council vote to **not** amend the ordinance as follows:

"I make a motion to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached." VOTE: 6-1-0 motion passes.

AMEND MOTION Evan Cyr; SECOND: Riley Bergeron. "I make a motion to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now" VOTE: 6-1-0 motion passes.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's recommendation, discuss, hold a public hearing on the text amendment as presented and vote **not in favor of** approval of first reading. Public hearing and first reading on 9/5/2023.

Previous Meetings and History:
July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 18-09052023.

Proposal B-3 with Pl Bd Taylor Pond Watershed Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

● ● ●

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

● ● ●

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B3 to the AGRP Zoning Use standards - Planning Board Recommended Amendment to prohibit residences in the AGRP portions of the Taylor Pond Watershed

Date: August 8, 2023

I. **Proposal: Public Hearing/ AGRP Text Amendment (Proposal B3) Planning Board Proposed Change Number Nine:** Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone if they are also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and followed by the City Council passage of Ordinance #10-06202023 on July 10, 2023. The proposed text has been and is available in the Planning & Permitting Department in City Hall.

II. **Background:** On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their prior recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B3 is the Planning Board recommended Taylor Pond Watershed Amendment and has been proposed as separate text and hearing from the others because it is a substantive amendment. The proposed amendment is summarized below (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. **Proposal B3 with Planning Board Taylor Pond Watershed Amendment.**

1. Add "or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map;" in Sec.60-145)(b)(i) after the word "District"
   This is referred to as proposed change number nine, because it was the 9th amendment recommended by the Planning Board on June 9, 2023.

IV. **Staff Recommendation:** We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections(Phosphorus Control) are adequate in the ordinance, and it could disadvantage existing farms, recreational or natural resource

based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional. environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit. building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

V. **Suggested Motion:** I make a motion to recommend that the City Council should **not** approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone and the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

MOTION: Riley Bergeron; **SECOND** Paul Jacques.

"I make a motion to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached." **VOTE:** 6-1-0 motion passes.

AMEND MOTION Evan Cyr; **SECOND:** Riley Bergeron.

"I make a motion to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now" **VOTE:** 6-1-0 motion passes.

Findings/ Reasons as listed in staff report refenced in the motion:

Staff Recommendation: We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections (Phosphorus Control) are adequate in

the ordinance, and it could disadvantage existing farms, recreational or natural resource-based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional. environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit. building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

VOTE on amended motion: 6-1-0 motion passes.

ORDINANCE 18-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 19-09052023

Author: Office of Planning and Permitting

Subject: Public Hearing on AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years.

Information:
On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.
After conducting a public hearing, Planning Board is recommending that City Council vote to **not** amend the ordinance as follows:

"I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: VOTE: 7-0-0 motion passes.

City Budgetary Impacts: None

Staff Recommended Action:
Review the Planning Board's recommendation, discuss, hold a public hearing on the text amendment as presented and vote **not in favor of** approval of first reading. Public hearing and first reading on 9/5/2023.

Previous Meetings and History:
July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 19-09052023.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B2) Planning Board Proposed Change #10 concerning tax incentive programs.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

Proposal: Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

MOTION: Evan Cyr; **SECOND**: Riley Bergeron.

"I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B2 with Planning Board Proposed Tax Program 5YR Amendment.

Date: August 8, 2023

I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten: Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and were followed by City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in this packet.

II. Background: On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board recommendation(included in this packet) and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes. The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B2 with the Planning Board recommended Tax Program 5YR Amendment has been proposed as separate text and hearing because it is a substantive amendment. The Amendment is summarized below and references the motion from the 6/6/2023 Planning Board Recommendation prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. Proposal B2 - Planning Board recommended Tax Program 5YR Amendment.

1. Remove "~~Currently~~" before "enrolled", capitalize the "E" in "enrolled" and add "within the last five years" after the word "Program" in Sec. 60-145(b)(vii)(a, b, c). *This is referred to as proposed change number 10, because it was the 10th amendment recommended by the Board in the 6/6/23 recommendations.*

IV. Staff Recommendation: This proposal was initiated to prevent Auburn landowners who have been utilizing the State of Maine Farmland Tax Program, the State of Maine Tree Growth Tax Program, and the State of Maine Open Space tax Program from removing land from this protection in order to build housing. We do not recommend this amendment because a result of this change may mean that someone who has been using the AGRP district as prescribed and intended could be penalized for deciding to build on this land. This

also has the potential to create a disadvantage to existing farmers and rural landowners who have used the land as the AGRP zone intended, in comparison to new landowners or those that have not used the land for agriculture, forestry or public recreation. Under this amendment, someone who has held land in any of the tax programs may not build on their land for five years, even if they meet the other requirements of the AGRP zoning district. In the absence of a five-year moratorium, landowners still need to provide a bona fide plan for farming, agricultural, recreational, or natural resource use before any residential development could occur.

V. **Suggested Motion:** I make a motion to not recommend the amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 9, 2023, Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

Proposal B-2 with Pl Bd Tax Program 5 YR Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

• • •

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:

a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

(i) Residential structures; and

(ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

(iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that

has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
(v) Avoid being sited on wetlands; and
(vi) Avoid being sited on slopes greater than 25%; and
(vii) Not be sited on any portion of a parcel that is classified as being:

a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or
b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or
c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.

c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).

ORDINANCE 19-09052023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(vii) Not be sited on any portion of a parcel that is classified as being:

a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or

b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or

c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023

Author: Sue Clements-Dallaire, City Clerk

Subject: Public hearing on Public Safety Building Referendum

Information: On 9/5/2023, Council voted in favor of authorizing the Public Safety Building proposal to be placed on a referendum ballot and submitted to the voters of Auburn at the November 7, 2023, Election.

Title 30-A, Sec. 2528 (5) states t***he Municipal Officers must "order" or approve the referendum and final wording of the referendum question at least 60 days before the date of the election. A public hearing would have to be held at least 10 days before the election and provide notice at least 7 days before the hearing.***

The public notice was published on Saturday, September 9, 2023.

City Budgetary Impacts:

Financial Statement: The issuance of bonds by the City of Auburn is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Auburn as of November 7, 2023:

Principal of Bonds to be Issued if Approved by Voters:	$45,000,000
Estimate of Interest on Bonds to be Issued if Approved:	$37,800,000
Total Debt to be Issued if Approved by Voters:	$82,800,000

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on that amount as well. Principal on the bonds will be repaid in approximately equal annual installments over a period not to exceed 30 years, along with interest, which will be paid semi-annually. The amount of interest to be paid will vary depending on the rate of interest and the years of maturity at the time of issuance, which is expected to be no sooner than 2024. An estimate of the total interest that may reasonably be expected to be paid on the issue submitted herewith for authorization is $37,800,000, based on an interest rate of 4.00%. The total principal and interest to be paid over the life of the bonds on the issue submitted herewith, if authorized, is thus estimated to be $82,800,000.

Staff Recommended Action: Hear public comment

Previous Meetings and History: 9/5/2023 City Council meeting

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

CITY OF AUBURN
PUBLIC NOTICE

Notice is hereby given that the Auburn City Council will hold a public hearing on September 18, 2023 beginning at 7:00 P.M. or as soon as possible thereafter in the Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine. The purpose of the public hearing is to to receive public comment on a proposed referendum question authorizing the issuance of general obligation bonds or notes in anticipation of such bonds in the principal amount not to exceed $45,000,000 and appropriate the proceeds of such bonds, together with investment earnings, if any, to fund the construction of a new public safety facility at 550 Minot Avenue in Auburn to house the headquarters of the City's Police Department and Fire Department. This will go before Auburn voters at the November 7, 2023 Election. All interested parties are invited to attend the public hearing and will be given an opportunity to be heard at that time.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 20-09182023

Author: Jamie Longley, General Assistance Manager-Health & Social Services

Subject: Adoption of Appendices for General Assistance, Effective 10/01/2023 through 9/30/2024

Information: I am seeking approval of the new General Assistance maximums. They Are: Appendix A (The GA overall maximums), Appendix B (the food maximums), Appendix C (Lewiston/Auburn MSA rental maximums), and Recovery Residences.

These maximums are established as a matter of State law based on certain federal and HUD fair market values. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with title 22 M.R.S.A § 4305(4).

****By adopting the new appendices A-C, the program will be in compliance and receive the 70% reimbursement from the State****

City Budgetary Impacts: The overall maximums (Appendix A) are an average increase of $33.51 per person/household per month. The food maximums (Appendix B) are an average increase of $8.72 per individual per month. The housing maximums (Appendix C) are an average increase of $93.40 per unit per month. *There are no changes in appendices D-H.*

Staff Recommended Action: Approval of changes to the General Assistance Appendices A-C, and Recovery Residences as required by State statute and ordinance. First reading: 9/18/2023. Second reading: 10/02/2023.

Previous Meetings and History: This is a yearly approval needed by the council when changes are made to the appendices. Recommend passage.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Health & Social Services FY 23/24
Appendix A, Overall Maximums
Appendix B, Food Maximums
Appendix C, Housing Maximums
Recovery Residences
Ordinance & Adoption form for 23/24

Appendix A
Effective: 10/01/23-09/30/24

2023-2024 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household 1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	886	1,029	1,316	1,638	2,241
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,103	1,235	1,626	2,049	2,215
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	853	925	1,186	1,543	1,870
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	846	853	1,126	1,408	1,537
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,367	1,593	2,045	2,611	3,201
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	938	1,118	1,360	1,857	2,219

Prepared by MMA
8/2023

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,154	1,217	1,509	1,961	2,207
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,327	1,393	1,834	2,489	3,175

***Note: Add $75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	742	812	951	1,281	1,464
Franklin County	781	834	1,033	1,383	1,695
Hancock County	965	996	1,198	1,521	1,655
Kennebec County	879	899	1,120	1,470	1,587
Knox County	905	913	1,120	1,490	1,592
Lincoln County	1,004	1,013	1,282	1,582	2,069
Oxford County	873	878	1,072	1,514	1,761
Piscataquis County	752	810	1,000	1,326	1,598
Somerset County	810	851	1,098	1,430	1,532
Waldo County	1,041	1,047	1,256	1,558	2,132
Washington County	811	816	1,060	1,328	1,453

*** Please Note: Add $75 for each additional person.**

2023-2024 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2023, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	$ 67.67	$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

Note: For each additional person add $219 per month.

Appendix C
Effective: 10/01/23-09/30/24

2023-2024 GA Housing Maximums
(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! ONLY **consider** adopting the following numbers if these figures are consistent with local rent values. If not, a market survey should be conducted, and the figures altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	134	577	169	726
1	139	598	185	794
2	156	672	216	929
3	218	940	292	1,256
4	243	1,044	333	1,434

Franklin County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	143	616	178	765
1	144	620	190	816
2	175	754	235	1,011
3	242	1,042	316	1,358
4	296	1,275	387	1,665

Hancock County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	191	821	221	950
1	191	821	228	979
2	222	956	274	1,177
3	285	1,227	348	1,496
4	301	1,293	378	1,625

Kennebec County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	171	735	201	864
1	171	735	205	882
2	204	878	256	1,099
3	274	1,176	336	1,445
4	285	1,225	362	1,557

Non-Metropolitan FMR Areas

Knox County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	177	761	207	890
1	177	761	208	896
2	204	878	256	1,099
3	278	1,196	341	1,465
4	286	1,230	363	1,562

Lincoln County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	200	860	230	989
1	200	860	232	996
2	242	1,040	293	1,261
3	300	1,288	362	1,557
4	397	1,707	474	2,039

Oxford County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	169	729	200	858
1	169	729	200	861
2	193	830	244	1,051
3	284	1,220	346	1,489
4	325	1,399	403	1,731

Piscataquis County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	136	587	171	736
1	139	596	184	792
2	168	721	227	978
3	229	985	302	1,301
4	274	1,178	365	1,568

Somerset County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	155	666	185	795
1	155	666	194	834
2	199	856	250	1,077
3	264	1,136	327	1,405
4	272	1,170	349	1,502

Non-Metropolitan FMR Areas

Waldo County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	209	897	239	1,026
1	209	897	239	1,030
2	236	1,014	287	1,235
3	294	1,264	357	1,533
4	412	1,770	489	2,102

Washington County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	155	667	185	796
1	155	667	186	799
2	190	818	242	1,036
3	241	1,034	303	1,303
4	254	1,091	331	1,423

Metropolitan FMR Areas

Bangor HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	172	742	203	871
1	196	841	235	1,012
2	250	1,074	301	1,295
3	313	1,344	375	1,613
4	437	1,879	514	2,211

Cumberland Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	223	959	253	1,088
1	244	1,047	283	1,218
2	322	1,384	373	1,605
3	408	1,755	471	2,024
4	431	1,853	508	2,185

Lewiston/Auburn MSA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	165	709	195	838
1	171	737	211	908
2	220	944	271	1,165
3	291	1,249	353	1,518
4	351	1,508	428	1,840

Metropolitan FMR Areas

Penobscot Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	163	702	193	831
1	163	702	194	836
2	206	884	257	1,105
3	259	1,114	322	1,383
4	273	1,175	351	1,507

Portland HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	284	1,223	314	1,352
1	327	1,405	366	1,576
2	419	1,803	471	2,024
3	539	2,317	601	2,586
4	660	2,839	738	3,171

Sagadahoc Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	185	794	215	923
1	216	930	256	1,101
2	260	1,118	311	1,339
3	364	1,563	426	1,832
4	432	1,857	509	2,189

York Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	235	1,010	265	1,139
1	239	1,029	279	1,200
2	295	1,267	346	1,488
3	388	1,667	450	1,936
4	429	1,845	506	2,177

York/Kittery/S. Berwick HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	275	1,183	305	1,312
1	280	1,205	320	1,376
2	370	1,592	422	1,813
3	511	2,195	573	2,464
4	654	2,813	731	3,145

2023-2024 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2023 to September 30, 2024.**

APPENDIX A - OVERALL MAXIMUMS

County	Persons in Household					
	1	2	3	4	5	6

NOTE: For each additional person add $75 per month.

(The applicable figures from Appendix A, *once adopted,* should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

Number in Household	Weekly Maximum	Monthly Maximum
1	$ 67.67	$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

NOTE: For each additional person add $219 per month.

APPENDIX C - HOUSING MAXIMUMS

	Unheated		Heated	
Number of Bedrooms	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

MMA
08/23

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is ***not automatically*** entitled to the "maximums" established—applicants must demonstrate need.

1) Electricity Maximums for Households *Without Electric Hot Water*: The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

Number in Household	Weekly	Monthly
1	$19.95	$ 85.50
2	$22.52	$ 96.50
3	$24.97	$107.00
4	$27.53	$118.00
5	$29.88	$128.50
6	$32.55	$139.50

NOTE: For each additional person add $10.50 per month.

2) Electricity Maximums for Households *With Electrically Heated Hot Water*: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

Number in Household	Weekly	Monthly
1	$29.63	$127.00
2	$34.07	$146.00
3	$39.67	$170.00
4	$46.32	$198.50
5	$55.65	$238.50
6	$58.68	$251.50

NOTE: For each additional person add $14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00
NOTE: For each additional person add $1.25 per week or $5.00 per month.		

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

Appendix G
Effective: 10/01/23-09/30/24

2023-2024 Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. The current rate for approved employment and necessary medical travel etc. is 46 cents (46¢) per mile.

Please refer to the Office of the State Controller for changes to this rate at 626-8420 or visit http://www.state.me.us/osc/

Prepared by MMA
8/2023

Appendix H

Effective: 10/01/23-9/30/24

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **$1,475.** The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **$1,025.**

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary

- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed $55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

2023-2024 GA Housing Maximums
Recovery Residences
The following Recovery Residence maximums are in effect from 10/1/2023- 9/30/2024

Non-Metropolitan FMR Areas

Aroostook County	Recovery Residence Rates	
	Weekly	Monthly
	148.88	595.50

Franklin County	Recovery Residence Rates	
	Weekly	Monthly
	153.00	612.00

Hancock County	Recovery Residence Rates	
	Weekly	Monthly
	183.56	734.25

Kennebec County	Recovery Residence Rates	
	Weekly	Monthly
	165.38	661.50

Knox County	Recovery Residence Rates	
	Weekly	Monthly
	165.38	672.00

Lincoln County	Recovery Residence Rates	
	Weekly	Monthly
	186.75	747.00

Oxford County	Recovery Residence Rates	
	Weekly	Monthly
	161.44	645.75

Piscataquis County	Recovery Residence Rates	
	Weekly	Monthly
	148.50	594.00

Somerset County	Recovery Residence Rates	
	Weekly	Monthly
	156.38	599.25

Waldo County	Recovery Residence Rates	
	Weekly	Monthly
	193.13	772.50

Washington County	Recovery Residence Rates	
	Weekly	Monthly
	149.81	599.25

Metropolitan FMR Areas

Bangor HMFA	Recovery Residence Rates	
	Weekly	Monthly
	189.75	759.00

Cumberland Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	228.38	913.50

Lewiston/Auburn MSA	Recovery Residence Rates	
	Weekly	Monthly
	170.25	681.00

Penobscot Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	156.75	627.00

Portland HMFA	Recovery Residence Rates	
	Weekly	Monthly
	295.50	1182.00

Sagadahoc Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	206.44	825.75

York Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	225.00	900.00

York/Kittery/S. Berwick HMFA	Recovery Residence Rates	
	Weekly	Monthly
	258.00	1032.00

ORDINANCE 20-09182023

City Council Ordinance

IN CITY COUNCIL

AMENDING CHAPTER 24, ARTICLE II, DIVISION 1, SEC. 24-23 OF THE GENERAL ASSISTANCE ORDINANCE ANNUAL ADJUSTMENT OF MAXIMUM BENEFITS.

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits to incorporate the following maximum levels of assistance to be effective on and after October 1, 2023 through September 30, 2024, as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

(a) Each year the Maine Municipal Association provides the city three appendices providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:

(1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.

(2) Appendix B, a listing of maximum levels of assistance for food.

(3) Appendix C, a listing of maximum levels for heated and unheated housing.

(b) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the Office of the City Clerk.

Editor's note— The appendices referred to in this section are not codified but are available in the office of the city clerk.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: September 18, 2023 **Order:** 128-09182023

Author: John Blais

Subject: File order, discontinuance of 250+/- Chestnut Street as a city street per § 3026-A, (2) A, B, B-1, C and D

Information: Three step process once a recommendation is made by the Planning Board. 1.) File order of discontinuance for notification of abutters. (9.19.23) 2. Public Hearing, notification to abutters (10. 2. 23). 3.Approval of order minimum 10 days after the public hearing (10.16.23).

Today the City Council meets to discuss proposed discontinuance and file order of discontinuance, signed by all council members to be mailed to abutters and for recording in the registry after approval. The municipal officers shall discuss a proposed discontinuance and file an order of discontinuance with the municipal clerk that specifies.

A. The Location of the town way or public easement
B. The names of the abutting property owners
B-1. Location of Bridge (Not applicable)
C. The dollar amount of Damages, if any, determined by the municipal officers to be paid to each abutting property owner.
D. Whether or not a public easement is retained.

City Budgetary Impacts: None known. City staff is working with abutters for waivers of cost.

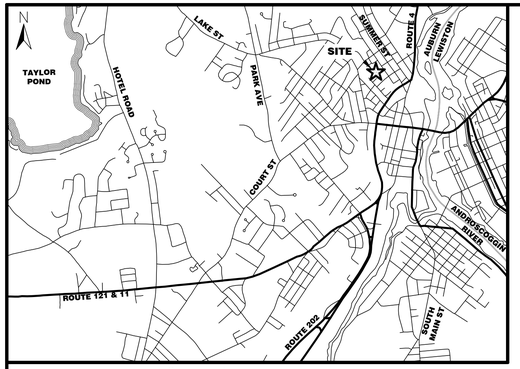
Staff Recommended Action: Move the request through the review and filing order with municipal officials' signatures.

Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order of Discontinuance (to be signed by Municipal Officials)



LOCATION MAP 1" = 1/2 MILE

NOTES

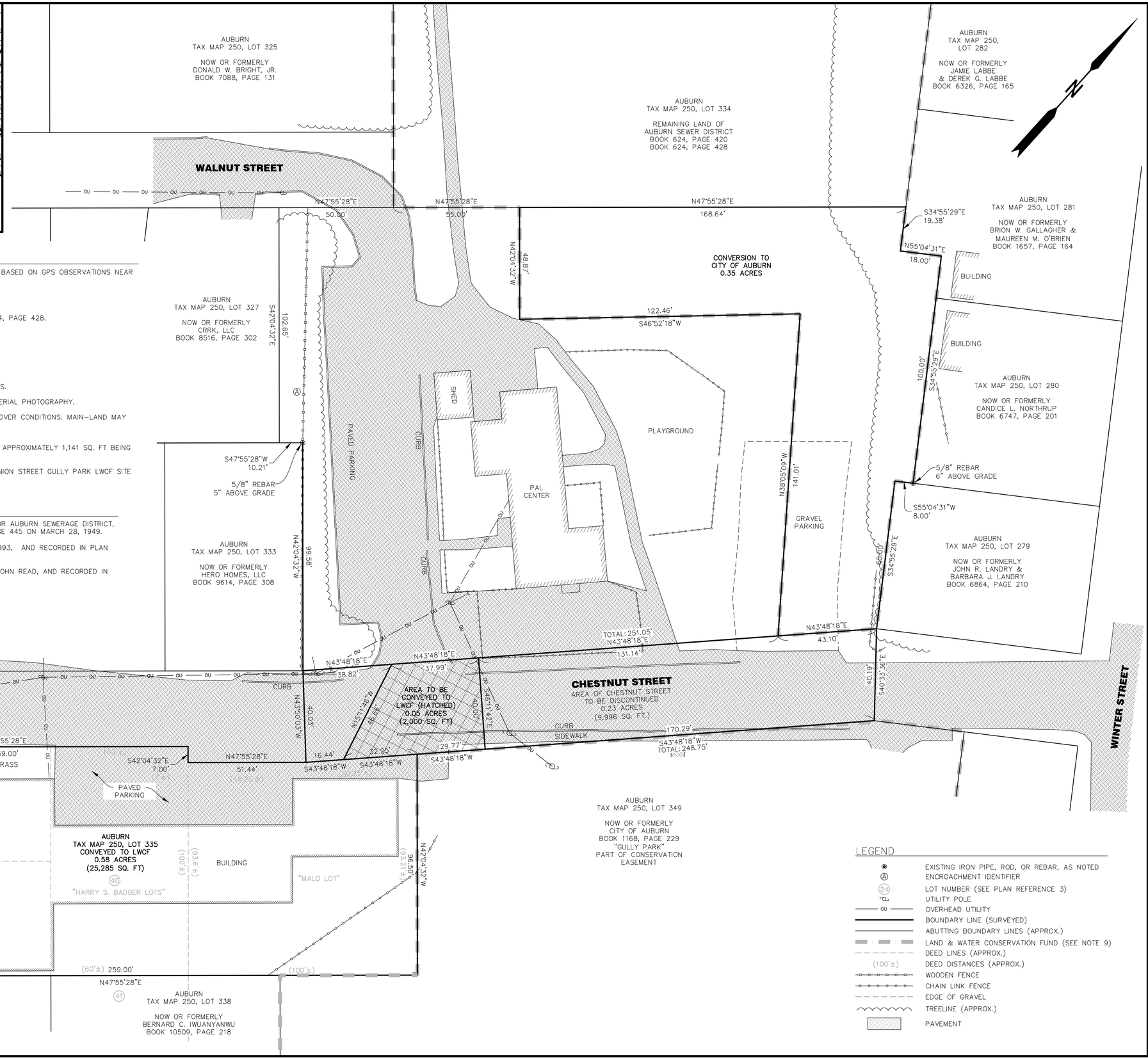
1. ALL BEARINGS ARE REFERENCED TO MAINE STATE GRID, WEST ZONE, NAD83 AND BASED ON GPS OBSERVATIONS NEAR THE SURVEYED PARCEL.
2. CITY OF AUBURN: TAX MAP 250, LOTS 309, 310, 311, 325, AND 334.
3. OWNER OF RECORD AT TIME OF SURVEY
   LOT 334 – AUBURN SEWER DISTRICT: BOOK 624, PAGE 420 & BOOK 624, PAGE 428.
   LOT 335 – SULTAN CORP.: BOOK 5488, PAGE 202
4. AREA SUMMARY:

CHESTNUT ST. DISCONTINUANCE	0.23 ACRES, MORE OR LESS.
TO CITY OF AUBURN	0.35 ACRES, MORE OR LESS.
CHESTNUT ST. TO LWCF	0.05 ACRES, MORE OR LESS.
7 CHESTNUT ST. TO LWCF	0.58 ACRES, MORE OR LESS.

5. ALL BOOK AND PAGES REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
6. TREELINE SHOWN ARE APPROXIMATE AND WERE DIGITIZED FROM GOOGLE EARTH AERIAL PHOTOGRAPHY.
7. BOUNDARY SURVEY FIELD WORK WAS PERFORMED BY MAIN–LAND UNDER SNOW COVER CONDITIONS. MAIN–LAND MAY ADJUST PLAN AND FINDINGS IF ADDITIONAL EVIDENCE BECOMES AVAILABLE.
8. SUMMARY OF APPARENT ENCROACHMENTS:
   A. WOODEN FENCE IS OVER THE BOUNDARY LINE ONTO THE SURVEYED PARCEL. APPROXIMATELY 1,141 SQ. FT BEING USED BY LOT 327.
9. CONSERVATION EASEMENT IS APPROXIMATE AND BASED ON A PLAN ENTITLED, "UNION STREET GULLY PARK LWCF SITE PLAN", MADE FOR THE CITY OF AUBURN.

PLAN REFERENCES

1. "PROPERTY OF AUBURN SEWERAGE DISTRICT DENNISON STREET GULLEY", MADE FOR AUBURN SEWERAGE DISTRICT, SURVEYED BY GEO. H. BARRON, ENGINEER, AND RECORDED IN PLAN BOOK 8, PAGE 445 ON MARCH 28, 1949.
2. "PLAN OF LAND IN AUBURN, MAINE BELONGING TO FERDINAND PENLEY", DATED 1893, AND RECORDED IN PLAN BOOK UAUB, PAGE 8 AND 9.
3. "PLAN OF LOTS IN AUBURN", MADE FOR HOSEA MAILY (MANLEY), SURVEYED BY JOHN READ, AND RECORDED IN PLAN BOOK 2, PAGE 40 ON APRIL 3, 1875.



LEGEND

- EXISTING IRON PIPE, ROD, OR REBAR, AS NOTED
- (A) ENCROACHMENT IDENTIFIER
- (24) LOT NUMBER (SEE PLAN REFERENCE 3)
- UTILITY POLE
- ou OVERHEAD UTILITY
- BOUNDARY LINE (SURVEYED)
- ABUTTING BOUNDARY LINES (APPROX.)
- LAND & WATER CONSERVATION FUND (SEE NOTE 9)
- DEED LINES (APPROX.)
- (100'±) DEED DISTANCES (APPROX.)
- WOODEN FENCE
- CHAIN LINK FENCE
- EDGE OF GRAVEL
- TREELINE (APPROX.)
- PAVEMENT

MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDC.COM

PLAN SHOWING

CONVEYANCES & PARTIAL DISCONTINUANCE OF CHESTNUT STREET

CHESTNUT ST, WEBSTER ST, & WALNUT ST, CITY OF AUBURN, COUNTY OF ANDROSCOGGIN, STATE OF MAINE

OWNER OF RECORD

CITY OF AUBURN

60 COURT STREET,
AUBURN, MAINE 04210

MADE FOR

CITY OF AUBURN

C/O WOODARD & CURRAN
41 HUTCHINSON DRIVE,
PORTLAND, MAINE 04102

DRAWING SCALE:

20 0 10 20
(IN FEET)
1 INCH = 20 FT

REVISION NOTES:

PROJ. MGR:	CLB
DRAWN BY:	CLB
CHECKED BY:	TJG
REVISION NO.	N/A
SURVEY DATE:	2023–03–08
SUBMISSION DATE:	2023–08–31
SUBMITTED FOR:	REVIEW

CONVEYANCES

SEAL:

DRAFT

CHARLES L. BUKER PLS #2397

DRAWING NO.
S3.1

MLDC NO. 23–030 1 OF 1

ORDER 128-09182023

City Council Order

IN CITY COUNCIL

ORDERED, that Chestnut Street, as laid out on plan and titled "Conveyances & Partial Discontinuance of Chestnut Street", as recommended by the Auburn Planning Board, and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds, is hereby discontinued 250' +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

Exhibit B
0.23 Acre (9,996 sq. ft.) Discontinuance of a Portion of Chestnut Street
City of Auburn, County of Androscoggin, State of Maine
September 1, 2023

A portion of land of Chestnut Street, so-called, between Winter Street, so-called, and Webster Street, so-called, in the City of Auburn, County of Androscoggin, and State of Maine, being more particularly bounded and described as follows, to wit:

Beginning at a point on the northwesterly side of Chestnut Street at the southwesterly corner of land now or formerly of John R & Barbara J. Landry (Book 6864, Page 210), said point being in a general southwesterly direction, along the northwesterly side of Chestnut Street, a distance of 90 feet, more or less, from the westerly side of Winter Street;

Thence, from the Point of Beginning, South 40° 33' 36" East, crossing said Chestnut Street, a distance of 40.19 feet to a point on the southeasterly side of Chestnut Street and the northwesterly side of land now or formerly of the City of Auburn (Book 1168, Page 229);

Thence, South 43° 48' 18" West, along the said southeasterly side of Chestnut Street, said land now or formerly of the City of Auburn, and land now or formerly of Sultan Corp (Book 5488, Page 202), a distance of 248.75 feet to a point;

Thence, North 43° 50' 03" West, crossing said Chestnut Street, a distance of 40.03 feet to a point on the said northwesterly side of Chestnut Street at the southeasterly corner of land now or formerly of Hero Homes, LLC (Book 9614, Page 308), said point being in a general northeasterly direction, along the northwesterly side of Chestnut Street, a distance of 209 feet, more or less, from the easterly side of Webster Street;

Thence, North 43° 48' 18" East, along the said northwesterly side of Chestnut Street and land now or formerly of the City of Auburn (Book 1168, Page 229), a distance of 251.05 feet to the Point of Beginning.

The above-described parcel of land contains 0.23 acres, more or less (9,996 sq. ft, more or less).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

All bearings are referenced to Maine State Grid, West Zone, NAD and based on a plan entitled, "Plan showing Conveyances & Partial Discontinuance of Chestnut Street", made for the City of Auburn, dated August 31, 2023, surveyed by Main-Land Development Consultants, Inc.

All Book and Pages refer to the Androscoggin County Registry of Deeds.

Meaning and intending to describe a portion, and only a portion, of Chestnut Street to be discontinued by the City of Auburn. All rights for public and private utilities are retained per § 3026-A, (6)

ABUTTERS:

John & Barbara Landry 28 Winter Street Auburn, Maine 04210 PID 250-279	Sultan Corp PO Box 7065 Lewiston, Maine 04242 PID 250-335	Hero Homes LLC 19 Fae Lane Gorham, Maine 04038 PID 250-333

DAMAGES:
Amount of Damages: $0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

PUBLIC EASEMENT: All rights for public and private utilities are retained per § 3026-A, (6)

_____	_____	_____
Richard Whiting	Ryan Hawes	Stephen G. Milks
_____	_____	_____
Joseph Morin	Leroy G. Walker	Dana Staples
_____	_____	_____
Belinda A. Gerry	Jason J. Levesque	Phillip L. Crowell, Jr.

Vote Attested by City Clerk:

City of Auburn
City Council Information Sheet

Council Meeting Date: September 18, 2023 **Order:** 129-09182023

Author: John Blais

Subject: File order, discontinuance of 90.94+/- Miller Street as a city street per § 3026-A, (2) A, B, B-1, C and D

Information: Three step process once a recommendation is made by the Planning Board. 1.) File order of discontinuance for notification of abutters. (9.19.23) 2. Public Hearing, notification to abutters (10. 2. 23). 3.Approval of order minimum 10 days after the public hearing (10.16.23).

Today the City Council meets to discuss proposed discontinuance and file an order of discontinuance, signed by all council members to be mailed to abutters and for recording in the registry after approval. The municipal officers shall discuss a proposed discontinuance and file an order of discontinuance with the municipal clerk that specifies.

A. The Location of the town way or public easement
B. The names of the abutting property owners
B-1. Location of Bridge (Not applicable)
C. The dollar amount of Damages, if any, determined by the municipal officers to be paid to each abutting property owner.
D. Whether or not a public easement is retained.

City Budgetary Impacts: None known. City staff is working with abutters for waivers of cost.

Staff Recommended Action: Move the request through the review and filing order with City Council signatures.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order of Discontinuance (to be signed by Council)

PROPERTY LINE TABLE

LINE	DIRECTION	DISTANCE
EL1	N 31°35'33" E	20.23'
EL2	N 38°59'07" E	10.54'
EL3	S 31°35'33" W	1.82'

MAIN STREET

REBAR WITH CAP 1278

N 09°30'26" E 88.92'

1/2" IRON IN CONC. WALK

N/F WILLIAM & HALSEY McDONOUGH 214 MAIN ST 2261/145 MAP 231 LOT 021

186 MAIN ST

LAND TO BE CONVEYED TO JCS 18, LLC

N 16°53'58" W 89.52'

S 16°53'58" E 89.52'

MULTI-STORY BRICK COMMERCIAL STRUCTURE

N/F TURSON LLC 178 MAIN ST 7852/280 MAP 231 LOT 019

MILLER ALLEY

REBAR WITH CAP 1278

11.69'
(N 22°43'28" W) (9.48') (TIE LINE)

8.75'

99.54'

N 3°00'14" E 117.11'

S 3°00'14" W 116.97'

RAILROAD SPIKE

9.11'

30.72'

N 5°10'28" E 43.42'

14.32'

19.72'

AREA TO BE CONVEYED TO TURSON, LLC WITH RIGHTS OF USE , ACCESS AND UTILITY EASEMENT 657 S.F.

N 86°26'45" W 15.00'

S 86°03'15" E 29.27'

113.72'

13.26'

18.42'

S 5°10'28" W

N 73°04'09" W 35.62'

S 46°08'03" E 42.26'

S 67°27'21" W 27.13'

PROPOSED SEWER EASEMENT 2,124 S.F.

EL1

EL2

EL3

38.50'

N 5°10'28" E 90.94'

42.28'

AREA TO BE CONVEYED TO JCS 18, LLC 3,127 SF WITH RIGHTS OF USE, ACCESS, AND UTILITY EASEMENT

N/F CITY OF AUBURN 74 MILLER ST 1593/49 MAP 231 LOT 017

MILLER STREET

PROPOSED RELOCATION OF MILLER STREET 4,827 S.F.

N 63°41'54" E 38.62'

S 67°27'21" W 25.65'

33.84'
S 46°08'03" E

S 86°03'54" W 50.72'

S 36°17'25" W 19.38'

N 86°26'45" E 29.62'

15.03'
S 20°28'47" E

107.64'
S 5°10'28" W

N 6°21'32" W 62.94'

N 3°20'50" E 125.34'

AUBURN RIVER WALK

PROPOSED TEMPORARY CONSTRUCTION EASEMENT 17,075 S.F.

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
1 INCH = 10 FT.

PAUL D. OSTROWSKI, PE 11175

STATE OF MAINE — PAUL D. OSTROWSKI No. 11175 — REGISTERED PROFESSIONAL ENGINEER — 07/28/2023

REV.	BY	DATE	STATUS
H	PDO	07/28/2023	REVISED EASEMENT PLAN
G	PDO	06/05/2023	ISSUED FOR FLOOD HAZARD DEVELOPMENT & NRPA PBR
F	PDO	06/02/2023	REVISED EASEMENT PLAN
E	PDO	05/22/2023	REVISED EASEMENT PLAN
D	PDO	05/18/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO	05/05/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	ACH	01/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS
REV.	BY	DATE	STATUS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS INC.

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

EASEMENT PLAN

OF:
186 MAIN STREET
186 MAIN STREET,
AUBURN, MAINE 04210

FOR:
JCS 18, LLC
20 MECHANIC STREET
GORHAM, MAINE 04038

RECORD OWNER:
CITY OF AUBURN
60 COURT STREET
AUBURN, ME 04210

DESIGNED	TFG
DRAWN	ABB
CHECKED	PDO
DATE	05/05/2023
SCALE	1" = 10'
PROJECT	220503-01

SHEET 3 OF10

220503 EASEMENT PLAN.dwg, TAB:6 EASEMENT PLAN

F:\Projects\220000\220503\DWG\Design\220503 EASEMENT PLAN.dwg - 7/28/2023 3:32 PM, TANNER F. GOODINE

ORDER 129-09182023

City Council Order

IN CITY COUNCIL

ORDERED, that Miller Street, as laid out on plan and titled "Easement Plan", as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds , is hereby discontinued 90.94' +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

Exhibit A
Proposed Street Relocation
Miller Street

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04'09" E across said Miller Steet a distance of 35.62 feet to the northeasterly corner of "Proposed Discontinuation of Miller Street 3,784 S.F." as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10'28" E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08'03" E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28'47" E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10'28" W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17'25" W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24'21" W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35'33" W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10'28" E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10'28" E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Meaning and intending to describe the area depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe

ABUTTERS:

William T. Turner
178 Main Street(physical address)
368 Minot Avenue (mailing address)
Auburn, Maine 04210
PID: 231-019

William McDonough
214 Main Street (physical address)
61 Winter Street (mailing address)
Auburn, Maine 04210
PID: 231-021

DAMAGES:
Amount of Damages: $0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

PUBLIC EASEMENT: All rights for public and private utilities are retained per § 3026-A, (6)

_____	_____	_____
Richard Whiting	Ryan Hawes	Stephen G. Milks
_____	_____	_____
Joseph Morin	Leroy G. Walker	Dana Staples
_____	_____	_____
Belinda A. Gerry	Jason J. Levesque	Phillip L. Crowell, Jr.

Vote Attested by City Clerk:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Order:** 130-09182023

Author: Phil Crowell, City Manager

Subject: Recycling Program

Information:

Authorize the city manager to modify the solid waste agreement with Casella to initiate a pilot recycling program within designated areas within the city, by using the allocated funding authorized in the FY24 budget.

BUDGET FY24
City of Auburn Municipal Budget

City of Auburn
Master List

Fiscal Year 2024
Proposed 4.18.23
Adopted

Account Title	FY 2022 Actual	FY 2023 Approved	FY 2024 Manager Proposed	FY 2024 Council Adopted	Increase/ Decrease	%
County Tax						
County Tax	2,611,080	2,761,220	2,972,037	-	210,817	8%
TOTAL	**2,611,080**	**2,761,220**	**2,972,037**	**-**	**210,817**	**7.6%**
Solid Waste						
Solid Waste Disposal	372,257	430,000	451,500	-	21,500	5%
Solid Waste Collection	481,414	634,000	665,700	-	31,700	5%
Recycling Disposal	27,117	75,000	78,800	-	3,800	5%
Recycling Collection	135,675	180,000	189,000	-	9,000	5%
Advertising	278	1,000	1,000	-	-	0%
TOTAL	**1,016,741**	**1,320,000**	**1,386,000**	**-**	**66,000**	**5.0%**

The intent of the pilot program will be as follows:

1. Re-introduction of curbside recycling to select parts of the city, with a mix of urban and rural areas.
2. Consider Increasing frequency of collection.
3. In partnership with Casella, increased public education on what goes into recycling and how to prevent contamination.
4. Launch of a Casella mobile app to help participating households understand what should and should not be recycled.
5. Distribution of Auburn-specific direct mail educational pieces produced by Casella.
6. Periodic reporting of data collected by Casella, to include recycling program participation by household, and percentage of overall waste collected.
7. Retaining the centralized drop-off containers located at Public Works for those who are not part of the pilot program.

City Budgetary Impacts: None

Staff Recommended Action: None

Previous Meetings and History: September 5, 2023 council meeting

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 130-09182023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the City Manager to modify the solid waste agreement with Casella to initiate a pilot recycling program within designated areas within the city, by using the allocated funding authorized in the FY24 budget.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: September 18, 2023 **Ordinance:** 21-09182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Amending Chapter 14, Article XVIII Adult Use and Medical Marijuana Businesses

---

Information: The proposed ordinance amendments provides the city clerk with the authority to issue marijuana licences and requires the applicant provide evidence of all State approvals or conditional approvals, evidence of all land use approvals or condidtional land use approvals, and evidence of all other local approvals or conditional approvals required to operate a marijuana business at the subject premises, and also outlines the appeals process.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDINANCE 21-09182023

City Council Ordinance

IN CITY COUNCIL

Amending the Code of Ordinances, Chapter 14, Business Licenses and Permits, Article XVIII. Adult Use and Medical Marijuana Businesses

Be it ordained, that the City Council hereby approves the amendment of Chapter 14, Business Licenses and Permits, of the Code of Ordinances as follows (additions are underlined; deletions are ~~struck through~~):

ARTICLE XVIII. ADULT USE AND MEDICAL MARIJUANA BUSINESSES

Sec. 14-650. Title

This article shall be known and cited as the "City of Auburn Adult Use and Medical Marijuana Businesses Ordinance" and will be referred to hereinafter as "this ordinance". This ordinance limits all subject adult use and medical marijuana businesses to the zoning districts specified under the auburn zoning ordinance, prescribes definitions of adult use and medical marijuana businesses, and provides for permitting/licensing and regulation of adult use and medical marijuana businesses, and provides performance standards for adult use and medical marijuana businesses.

Sec. 14-651. Authority and applicability.

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421 et seq.; and the city's home rule

authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. § 3001 et seq., and 30-A M.R.S. § 4301 et seq.

Sec. 14-652. Purpose.

It is the purpose of this ordinance to regulate adult use and medical marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of adult use and medical marijuana businesses in Auburn.

Persons or entities wishing to establish an adult use or a medical marijuana business within the City of Auburn shall first obtain a license from the Auburn City ~~Council~~Clerk ~~(hereinafter "the city council")~~ and shall be subject to the provisions of this ordinance.

This ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

Sec. 14-654. Effective date; applicability date.

The effective date of this ordinance [from which this article derived], and the business licensing thereunder, shall be the date of adoption by the city council. Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Article evidenced by Ordinance XX-09182023, when enacted, shall govern any proposed license application for which an application has not been submitted to and finally acted upon by the City prior to July 1, 2023.

Sec. 14-657. License required.

No person may establish, operate or maintain a marijuana business without first obtaining a license from the city ~~council~~clerk.

It is a violation of this ordinance for any person to operate a marijuana business without a valid marijuana business license issued by the city clerk pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an adult use marijuana business may not submit an application for a license unless the applicant has been issued a conditional license by the ~~s~~State of ~~m~~Maine to operate the adult use marijuana business.

Marijuana business licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

Registered caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. Registered caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S.A. § 1502. Home cultivation of adult use marijuana for personal use is

exempt from the licensing requirements of this ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

Sec. 14-658. Application procedure.

(a) *An application for a license must be made on a form provided by the city.*

(b) *All applicants must be qualified according to the provisions of this ordinance.* Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this ordinance.

(c) *Application to establish a marijuana business*.

(1) If the applicant who wishes to operate a marijuana business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a marijuana business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

(2) The completed application for a marijuana business license shall contain the following information and shall be accompanied by the following documents:

a. If the applicant is an individual means the individual shall state their legal name and any aliases, and submit proof that they are at least 21 years of age.

b. If the applicant is a partnership. The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least 21 years of age.

c. If the applicant is a corporation. The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least 21 years of age.

d. If the applicant is a limited liability company (LLC). The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least 21 years of age.

e. If the applicant intends to operate the marijuana business under a name other than that of the applicant, they must state the marijuana business' name and submit the required registration documents.

f. If the applicant, an officer, member or employee has been convicted of criminal activity under state and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

g. If the applicant has had a previous license under this ordinance or other similar marijuana business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the marijuana business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must

list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

h. If the applicant holds any other permits/licenses under this ordinance or other similar marijuana business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of marijuana business for which the applicant is seeking a license.

j. The location of the proposed marijuana business, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

l. The applicant's mailing address and residential address.

m. Recent passport-style photograph(s) of the applicant(s).

n. The applicant's driver's license.

o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

p. A copy of a city tax map depicting: The subject property lines and the property lines of other properties containing any existing marijuana businesses within 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 750 feet of the subject property, measured in accordance with section 14-659.

q. Evidence of all State approvals or conditional approvals required to operate a marijuana business at the subject premises.

r. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, a building permit, site plan approval, change of use permit or certificate of occupancy for the subject premises.

s. Evidence of all other local approvals or conditional approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, food service establishment licenses.

All applications for a marijuana business license shall be kept confidential by the city.

(4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.

(5) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and

managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

(e) *Application and license fees.* All applications must be submitted with a $500.00 fee. If an application is approved, the following license fees must be paid before the city will issue a license:

Marijuana store. Annual operation license fee: $5,000.00.

Marijuana manufacturing facility. Annual operation license fee: $2,500.00.

Marijuana testing facility. Annual operation license fee: $2,500.00.

Adult use marijuana cultivation:

Tier 1. 0—500 square feet of plant canopy—Annual permit/licensing fee: $1,000.00.

Tier 2. 501—2,000 square feet of mature plant canopy—Annual license fee: $1,500.00.

Tier 3. 2,001—7,000 square feet of mature plant canopy—Annual license fee: $2,500.00.

Tier 4. Greater than 7,000 square feet of mature plant canopy—Annual license fee: $5,000.00.

Medical marijuana cultivation. Annual operation license fee: $1,000.00.

Adult use marijuana nursery cultivation. Annual license fee: $1,000.00 (Plant canopies of individual nursery cultivations are permanently capped at 1,000 square feet.)

Renewal applicants for adult use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for adult use marijuana cultivation licenses may not hold more than three such licenses or a total combined plant canopy in excess of 30,000 square feet.

(f) *Complete application*. In the event that the city clerk determines that a submitted application is not complete, the city clerk shall notify the applicant that the application is not complete and shall inform the applicant of the additional information required to process the application.

Sec. 14-662. Appeals.

(a) Any parties aggrieved by a decision of the city clerk under this ordinance may bring the following appeals to the city council:

(1) Appeal by the applicant of the city clerk's denial of an application;

(2) Appeal by the applicant of any license granted by the city clerk with conditions to which the applicant/licensee objects; and

(3) Appeal by any aggrieved party having legal standing of any decision by the city clerk to grant a license under this ordinance.

(b) Appeals must be filed in writing with the office of the city clerk or designee within 30 days of the date of the decision subject to appeal.

(c) The city council shall hold a *de novo* hearing on an appeal within 30 days of the date the appeal is received by the city, unless all parties consent to an enlargement of that time period. It shall be the duty of the city clerk

City Council Ordinance

or designee to notify such parties of the time and place of the hearing. At the hearing, the city council will receive evidence on the application. Following the hearing, the city council shall issue a written decision on the appeal with its findings of fact and conclusions of law.

(d) The city council may approve any application previously denied by the city clerk only upon the affirmative vote of five or more members of the city council.

(e) An appeal from any final decision of the city council may be taken by any party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **August 2023 Financial Report**

DATE: **September 18, 2023**

The following is a discussion regarding the significant variances found in the City's August financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its second month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 16.66% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues, for the City, collected through August 31st were $9,857,961, or 9.21%, of the budget, which is higher than last year at this time by 0.86%. The accounts listed below are noteworthy.

A. Property tax revenue of $3,774,584 a decrease over last year of $2,235,916. This is due to the timing of sending out the tax bills. This year we were about two weeks later than last fiscal year.

B. State Revenue Sharing for the month of August is 13.72% or $618,813. This is a decrease from last year of $489,529. This is due to the timing of posting the August payment. It has been posted now and the amount was $491,969, which brings this account equal to last year at this time.

Expenditures

City expenditures through August 31st were $6,372,442, or 8.09%, of the budget as compared to last year at $5,395,895 or 10.51%.

In the current fiscal year, the percentage of expenditures is higher than last year by 1.27% or $979,547 difference.

Investments

This section contains an investment schedule as of August 31st with a comparison to July 31st. Currently the City's funds are earning an average interest rate o4.12% compared to 0.41% last year.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of August 2023, July 2023, and June 2023

	August 31 2023	July 31 2023	Increase (Decrease)	Unaudited JUNE 30 2023
ASSETS				
CASH	$ 37,004,201	$ 31,087,448	$ 5,916,753	$ 43,592,529
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	658,389	907,112	(248,723)	2,703,976
TAXES RECEIVABLE-CURRENT	47,282,178	51,177,557	(3,895,379)	949,747
DELINQUENT TAXES	668,420	661,935	6,485	442,839
TAX LIENS	945,322	956,493	(11,171)	430,056
NET DUE TO/FROM OTHER FUNDS	(3,614,798)	(398,740)	(3,216,058)	(11,595,819)
TOTAL ASSETS	**$ 82,943,712**	**$ 84,391,805**	**$ (1,448,093)**	**$ 36,523,328**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ 136,238	$ (491,160)	$ 627,398	$ 901,846
PAYROLL LIABILITIES	(1,398,593)	(340,184)	(1,058,409)	(350,435)
ACCRUED PAYROLL	(3,872,012)	(3,872,012)	(0)	(570,829)
STATE FEES PAYABLE	(175,666)	(146,465)	(29,201)	(129,140)
ESCROWED AMOUNTS	(31,062)	(32,511)	1,449	(32,462)
DEFERRED REVENUE	(48,872,119)	(52,772,177)	3,900,058	(1,798,833)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (54,213,213)**	**$ (57,654,509)**	**$ 3,441,296**	**$ (1,979,853)**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (25,731,683)	$ (23,738,479)	$ (1,993,204)	$ (31,544,658)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (28,730,499)**	**$ (26,737,295)**	**$ (1,993,204)**	**$ (34,543,474)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (82,943,712)**	**$ (84,391,804)**	**$ 1,448,092**	**$ (36,523,327)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH August 31, 2023 VS August 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU AUG 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 52,463,320	$ 3,774,584	7.19%	$ 52,463,320	$ 6,010,500	11.46%	$ (2,235,916)
PRIOR YEAR TAX REVENUE	$ -	$ 187,560		$ -	$ 27,139		$ 160,421
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,320,847	74.62%	$ 1,770,000	$ 417,888	23.61%	$ 902,959
EXCISE	$ 4,435,000	$ 817,498	18.43%	$ 4,435,000	$ 815,854	18.40%	$ 1,644
PENALTIES & INTEREST	$ 120,000	$ 14,692	12.24%	$ 120,000	$ 4,420	3.68%	$ 10,272
TOTAL TAXES	$ 58,788,320	$ 6,115,181	10.40%	$ 58,788,320	$ 7,275,801	12.38%	$ (1,160,620)
LICENSES AND PERMITS							
BUSINESS	$ 190,000	$ 41,813	22.01%	$ 190,000	$ 44,066	23.19%	$ (2,253)
NON-BUSINESS	$ 195,250	$ 42,044	21.53%	$ 195,250	$ 88,282	45.21%	$ (46,239)
TOTAL LICENSES	$ 385,250	$ 83,857	21.77%	$ 385,250	$ 132,348	34.35%	$ (48,492)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ -	0.00%	$ 400,000	$ -	0.00%	$ -
STATE REVENUE SHARING	$ 4,504,100	$ 618,813	13.74%	$ 4,504,100	$ 1,108,342	24.61%	$ (489,529)
WELFARE REIMBURSEMENT	$ 83,912	$ 29,448	35.09%	$ 83,912	$ 36,248	43.20%	$ (6,800)
OTHER STATE AID	$ 32,000	$ -	0.00%	$ 32,000	$ -	0.00%	$ -
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 182,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 5,202,012	$ 648,260	12.46%	$ 5,202,012	$ 1,144,590	22.00%	$ (496,330)
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 361,400	$ 33,895	9.38%	$ 361,400	$ 41,861	11.58%	$ (7,966)
PUBLIC SAFETY	$ 30,800	$ 4,225	13.72%	$ 30,800	$ 13,377	43.43%	$ (9,152)
EMS TRANSPORT	$ 1,350,000	$ 167,767	12.43%	$ 1,350,000	$ 253,875	18.81%	$ (86,108)
TOTAL CHARGE FOR SERVICES	$ 1,742,200	$ 205,887	11.82%	$ 1,742,200	$ 309,113	17.74%	$ (103,226)
FINES							
PARKING TICKETS & MISC FINES	$ 28,000	$ 4,225	15.09%	$ 28,000	$ 4,332	15.47%	$ (107)
MISCELLANEOUS							
INVESTMENT INCOME	$ 30,000	$ 56,319	187.73%	$ 30,000	$ 3,306	11.02%	$ 53,013
RENTS	$ 75,000	$ 2,809	3.74%	$ 75,000	$ 4,524	6.03%	$ (1,716)
UNCLASSIFIED	$ 20,000	$ 11,696	58.48%	$ 20,000	$ 13,749	68.75%	$ (2,053)
COMMERCIAL SOLID WASTE FEES	$ -	$ 12,961		$ -	$ 12,881		$ 80
SALE OF PROPERTY	$ 100,000	$ 130,309	130.31%	$ 100,000	$ 102	0.10%	$ 130,207
MMWAC HOST FEES	$ 240,000	$ 38,685	16.12%	$ 240,000	$ 38,685	16.12%	$ 0
TRANSFER IN: TIF	$ 1,140,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 619,000	$ -	0.00%	$ 619,000	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		$ -		$ -			
CDBG	$ 588,154	$ -	0.00%	$ 588,154	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ -	0.00%	$ 20,000	$ -	0.00%	$ -
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 1,500,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,332,154	$ 252,777	5.83%	$ 4,332,154	$ 73,247	1.69%	$ 179,530
TOTAL GENERAL FUND REVENUES	**$ 70,477,936**	**$ 7,310,188**	10.37%	**$ 70,477,936**	**$ 8,939,431**	12.68%	**$ (1,629,243)**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 34,826,024	$ 2,542,416	7.30%	$ 34,826,024	$ -	0.00%	$ 2,542,416
EDUCATION	$ 489,465	$ 5,357	1.09%	$ 489,465	$ -	0.00%	$ 5,357
SCHOOL FUND BALANCE CONTRIBUTION	$ 1,251,726	$ -	0.00%	$ 1,251,726	$ -	0.00%	$ -
TOTAL SCHOOL	$ 36,567,215	$ 2,547,773	6.97%	$ 36,567,215	$ -	0.00%	$ 2,547,773
GRAND TOTAL REVENUES	**$ 107,045,151**	**$ 9,857,961**	**9.21%**	**$ 107,045,151**	**$ 8,939,431**	**8.35%**	**$ 918,530**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH August 31, 2023 VS August 31, 2022

DEPARTMENT	FY 2024 BUDGET	EXP THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	EXP THRU AUG 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 171,750	$ 39,178	22.81%	$ 170,500	$ 9,024	5.29%	$ 30,154
CITY MANAGER	$ 695,009	$ 83,396	12.00%	$ 510,978	$ 73,635	14.41%	$ 9,761
COMMUNICATIONS & ENGAGEMENT	$ 356,522	$ 76,849	21.56%	$ 218,746	$ 25,176	11.51%	$ 51,673
CITY CLERK	$ 290,268	$ 41,964	14.46%	$ 257,506	$ 37,165	14.43%	$ 4,799
FINANCE	$ 1,228,112	$ 302,745	24.65%	$ 1,138,802	$ 261,449	22.96%	$ 41,296
HUMAN RESOURCES	$ 246,260	$ 40,680	16.52%	$ 222,099	$ 30,689	13.82%	$ 9,991
INFORMATION TECHNOLOGY	$ 917,487	$ 347,782	37.91%	$ 827,000	$ 290,216	35.09%	$ 57,566
TOTAL ADMINISTRATION	$ 3,905,408	$ 932,594	23.88%	$ 3,345,631	$ 727,354	21.74%	$ 205,240
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 682,189	$ 113,805	16.68%	$ 666,629	$ 115,958	17.39%	$ (2,153)
ECONOMIC DEVELOPMENT	$ 123,893	$ 32,243	26.02%	$ 286,598	$ 60,827	21.22%	$ (28,584)
BUSINESS & COMMUNITY DEVELOPMENT	$ 710,692	$ 59,740	8.41%	$ 671,411	$ 42,612	6.35%	$ 17,128
HEALTH & SOCIAL SERVICES	$ 180,825	$ 87,815	48.56%	$ 119,875	$ 9,582	7.99%	$ 78,233
RECREATION & SPORTS TOURISM	$ 722,416	$ 106,490	14.74%	$ 762,440	$ 87,925	11.53%	$ 18,565
PUBLIC LIBRARY	$ 1,138,659	$ 299,154	26.27%	$ 1,084,437	$ 271,110	25.00%	$ 28,044
TOTAL COMMUNITY SERVICES	$ 3,558,674	$ 699,247	19.65%	$ 3,591,390	$ 588,014	16.37%	$ 111,233
FISCAL SERVICES							
DEBT SERVICE	$ 8,334,544	$ 90,807	1.09%	$ 8,361,254	$ 90,807	1.09%	$ -
CAPITAL INVESTMENT & PURCHASING	$ 783,252	$ 102,123	13.04%	$ 672,473	$ 62,299	9.26%	$ 39,824
WORKERS COMPENSATION	$ 715,400	$ -	0.00%	$ 698,000	$ -	0.00%	$ -
WAGES & BENEFITS	$ 8,257,879	$ 1,171,449	14.19%	$ 7,876,393	$ 1,081,762	13.73%	$ 89,687
EMERGENCY RESERVE (10108062-670000)	$ 550,000	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,641,075	$ 1,364,379	7.32%	$ 18,069,350	$ 1,234,868	6.83%	$ 129,511
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 6,304,713	$ 1,010,409	16.03%	$ 5,693,284	$ 777,552	13.66%	$ 232,857
POLICE DEPARTMENT	$ 5,207,160	$ 767,048	14.73%	$ 4,945,034	$ 631,059	12.76%	$ 135,989
TOTAL PUBLIC SAFETY	$ 11,511,873	$ 1,777,457	15.44%	$ 10,638,318	$ 1,408,611	13.24%	$ 368,846
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 6,108,837	$ 1,018,797	16.68%	$ 5,600,109	$ 627,998	11.21%	$ 390,799
SOLID WASTE DISPOSAL*	$ 1,386,000	$ 127,259	9.18%	$ 1,320,000	$ 96,528	7.31%	$ 30,731
WATER AND SEWER	$ 792,716	$ 195,301	24.64%	$ 792,716	$ 195,301	24.64%	$ -
TOTAL PUBLIC WORKS	$ 8,287,553	$ 1,341,357	16.19%	$ 7,712,825	$ 919,827	11.93%	$ 421,530
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 205,742	100.36%	$ 205,000	$ 202,293	98.68%	$ 3,449
E911 COMMUNICATION CENTER	$ 1,287,401	$ 39,166	3.04%	$ 1,217,713	$ 304,428	25.00%	$ (265,262)
LATC-PUBLIC TRANSIT	$ 400,079	$ -	0.00%	$ 431,811	$ -	0.00%	$ -
LA ARTS	$ 20,000	$ 12,500		$ 30,000	$ 7,500		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,172,480	$ 257,408	11.85%	$ 2,144,524	$ 514,221	23.98%	$ (256,813)
COUNTY TAX	$ 2,972,037	$ -	0.00%	$ 2,761,220	$ -	0.00%	$ -
TIF (10108058-580000)	$ 3,049,803	$ -	0.00%	$ 3,049,803	$ -	0.00%	$ -
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 54,098,903**	**$ 6,372,442**	**11.78%**	**$ 51,313,061**	**$ 5,392,895**	**10.51%**	**$ 979,547**
EDUCATION DEPARTMENT	$ 59,071,289	$ 2,782,876	4.71%	$ 55,732,090	$ -	0.00%	$ 2,782,876
TOTAL GENERAL FUND EXPENDITURES	**$ 113,170,192**	**$ 9,155,318**	**8.09%**	**$ 107,045,151**	**$ 5,392,895**	**5.04%**	**$ 3,762,423**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF August 31, 2023

INVESTMENT		FUND	BALANCE August 31, 2023	BALANCE July 31, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 3,353,624.99	$ 9,915,857.58	**2.00%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,054,627.51	$ 1,054,628.17	**2.00%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 5,754,460.17	$ 7,740,025.87	**2.00%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 53,360.12	$ 53,258.30	**2.00%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 345,010.72	$ 344,352.11	**2.00%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 229,925.69	$ 229,925.69	**2.00%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 472,866.14	$ 472,866.14	**2.00%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 4,841,158.34	$ 4,101,031.39	**2.00%**
NOMURA 2		ELHS Bond Proceeds	$ 18,564,969.00	$ 22,824,544.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.20%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.35%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00		**5.30%**
GRAND TOTAL			**$ 40,420,002.68**	**$ 51,486,489.25**	**4.12%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of August 31, 2023

	Beginning Balance 8/1/2023	August 2023 New Charges	Payments	Refunds	Adjustments	Write-Offs	Ending Balance 8/31/2023
Bluecross	**$ 21,328.89**	$ 17,050.40	$ (7,813.31)		$ (1,253.52)		**$ 29,312.46**
Intercept	**$ 200.00**	$ (969.20)	$ -				**$ (769.20)**
Medicare	**$ 213,299.04**	$ 176,422.00	$ (51,107.18)		$ (72,815.57)		**$ 265,798.29**
Medicaid	**$ 18,343.55**	$ 82,884.40	$ (42,668.03)		$ (37,090.88)		**$ 21,469.04**
Other/Commercial	**$ 96,111.58**	$ 36,749.40	$ (19,539.76)		$ (1,807.37)		**$ 111,513.85**
Patient	**$ 109,581.27**	$ 16,885.60	$ (15,186.34)	$ 1,043.20	$ 0.60	$ (21,553.38)	**$ 90,770.95**
Worker's Comp	**$ (7,271.78)**						**$ (7,271.78)**
TOTAL	**$ 451,592.55**	**$ 329,022.60**	**$ (136,314.62)**	**$ 1,043.20**	**$ (112,966.74)**	**$ (21,553.38)**	**$ 510,823.61**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2023 - June 30, 2024
Report as of July 31, 2023

	July 2023	August 2023	Totals	% of Total
Bluecross	$ 12,163.20	$ 17,050.40	$ 29,213.60	5.06%
Intercept	$ -	$ (969.20)	$ (969.20)	-0.17%
Medicare	$ 144,760.40	$ 176,422.00	$ 321,182.40	55.63%
Medicaid	$ 61,035.00	$ 82,884.40	$ 143,919.40	24.93%
Other/Commercial	$ 17,128.40	$ 36,769.30	$ 53,897.70	9.33%
Patient	$ 13,258.80	$ 16,885.60	$ 30,144.40	5.22%
Worker's Comp			$ -	0.00%
TOTAL	$ 248,345.80	$ 329,042.50	$ 577,388.30	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2023 - June 30, 2024
Report as of July 31, 2023

	July 2023	August 2023	Totals	% of Total
Bluecross	12	27	39	5.16%
Intercept	0	3	3	0.40%
Medicare	178	236	414	54.76%
Medicaid	72	112	184	24.34%
Other/Commercial	17	63	80	10.58%
Patient	16	20	36	4.76%
Worker's Comp			0	0.00%
TOTAL	295	461	756	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of August 31, 2023

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1917 Wellness Grant	1928 Vending	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2014 Speed Grant	2015 AARP Walkability Grant	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training	
Fund Balance 7/1/23	$ 419,018.01	$ 7,337.93	$ 37,205.06	$ 7,041.18	$ -	$ 2,808.57	$ (862,167.55)	$ (101,432.52)	$ 212,779.28	$ 8,224.66	$ 31,585.83	$ 5,736.24	$ -	$ 545.31	$ 212,510.51	$ (8,205.29)	$ (27,012.78)
Revenues FY24	$ 18,769.28	$ 28.00	$ 502.46				$ -		$ 2,301.00			$ 721.36			$ 41,251.49		$ 63,573.59
Expenditures FY24				$ 560.17			$ 740,125.67		$ (2,250.00)	$ 5,312.74		$ 2,090.55					$ 745,839.13
Fund Balance 8/31/2023	**$ 437,787.29**	**$ 7,365.93**	**$ 37,707.52**	**$ 6,481.01**	**$ -**	**$ 2,808.57**	**$ (1,602,293.22)**	**$ (101,432.52)**	**$ 217,330.28**	**$ 2,911.92**	**$ 31,585.83**	**$ 4,367.05**	**$ -**	**$ 545.31**	**$ 253,762.00**	**$ (8,205.29)**	$ (709,278.32)

	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2051 Project Canopy	2054 EMS Transport Capital Reserve	2059 Distracted Driving	2068 Northern Borders Grant	
Fund Balance 7/1/23	$ 1,207,031.43	$ 30,379.80	$ 25,064.37	$ 40,215.76	$ 3,374.73	$ 20,536.23	$ 21,618.18	$ -	$ 110,525.79	$ (1,695.00)	$ 2,213.05	$ (1,522.60)	$ 288,581.46	$ 802.57	$ 178,046.71	$ 1,925,172.48
Revenues FY24	$ 95,745.31			$ 39,728.50									$ 657.34			$ 136,131.15
Expenditures FY24	$ 206,715.15		$ 4,510.13	$ 741.33	$ 1,291.00		$ 100.00		$ 13,748.56							$ 227,106.17
Fund Balance 8/31/2023	**$ 1,096,061.59**	**$ 30,379.80**	**$ 20,554.24**	**$ 79,202.93**	**$ 2,083.73**	**$ 20,536.23**	**$ 21,518.18**	**$ -**	**$ 96,777.23**	**$ (1,695.00)**	**$ 2,213.05**	**$ (1,522.60)**	**$ 289,238.80**	**$ 802.57**	**$ 178,046.71**	$ 1,834,197.46

	2071 Com Engage Spec Events	2080 Futsol Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	
Fund Balance 7/1/23	$ 48,854.00	$ 25,353.61	$ 6,053.02	$ 11,279,077.49	$ 482.09	$ 82,000.00	$ 228,248.69	$ 11,670,068.90
Revenues FY24				$ 15,821.35			$ 82,343.37	$ 98,164.72
Expenditures FY24				$ 512,860.67	$ 2,726.47		$ 194,635.23	$ 710,222.37
Fund Balance 8/31/2023	**$ 48,854.00**	**$ 25,353.61**	**$ 6,053.02**	**$ 10,782,038.17**	**$ (2,244.38)**	**$ 82,000.00**	**$ 115,956.83**	$ 11,058,011.25

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues	TIF Totals
Fund Balance 7/1/23	$ 126,694.39	$ 806,274.01	$ 786,690.71	$ (627,211.49)	$ 623,092.36	$ (662,615.38)	$ 19,435.74	$ 27,952.81	$ 1,120.91	$ 74,350.62	$ 132,062.18	$ (28,481.47)	$ 13,914.35	$ (76,544.08)	$ 59,527.65	$ 14,844,491.91	$ 1,276,263.31
Revenues FY24																$ 434,000.61	$ -
Expenditures FY24		$ -													$ 561.26	$ 1,683,728.93	$ 561.26
Fund Balance 8/31/2023	**$ 126,694.39**	**$ 806,274.01**	**$ 786,690.71**	**$ (627,211.49)**	**$ 623,092.36**	**$ (662,615.38)**	**$ 19,435.74**	**$ 27,952.81**	**$ 1,120.91**	**$ 74,350.62**	**$ 132,062.18**	**$ (28,481.47)**	**$ 13,914.35**	**$ (76,544.08)**	**$ 58,966.39**	$ 13,458,632.44	$ 1,275,702.05

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for August 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of August 31, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of August 31, 2023.

Current Assets:
As of the end of August 2023 the total current assets of Ingersoll Turf Facility were $359,191. This consisted of cash and cash equivalents of $229,926 and an interfund receivable of $129,265.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of August 31, 2023, were $34,044.

Liabilities:
Ingersoll had accounts payable of $160, as of August 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through August 2023 are $10,943. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through August 2023 were $277. These expenses include program costs and capital purchases. All other operating costs are now budgeted in the Recreation Budget in the General Fund with a revenue transfer in to offset these expenses.

As of August 31, 2023, Ingersoll has an operating gain of $11,105.

As of August 31, 2023, Ingersoll has a increase in net assets of $11,105.

The budget to actual reports for revenue and expenditures, show the revenue and expenditures for FY24 compared to the same period in FY23.

Statement of Net Assets
Ingersoll Turf Facility
August 31, 2023
Business-type Activities - Enterprise Fund

		August 31 2023	July 31 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 229,926	$ 227,016	$ 2,910
Interfund receivables/payables		$ 129,265	$ -	129,265
Accounts receivable		-	-	-
	Total current assets	359,191	227,016	132,175
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(776,492)	(748,757)	(27,735)
	Total noncurrent assets	34,044	61,779	(27,735)
	Total assets	393,235	288,795	104,440
LIABILITIES				
Accounts payable		$ 160	$ 186	(26)
Interfund payable		$ -	$ 25,094	(25,094)
Total liabilities		160	25,280	(25,120)
NET ASSETS				
Invested in capital assets		$ 34,044	$ 61,779	$ (27,735)
Unrestricted		$ 359,031	$ 205,059	$ 153,972
Total net assets		**$ 393,075**	**$ 266,838**	**$ 126,237**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
August 31, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 10,943
Operating expenses:	
Personnel	-
Supplies	-
Utilities	117
Repairs and maintenance	
Rent	-
Depreciation	-
Capital expenses	-
Other expenses	160
Total operating expenses	277
Operating gain (loss)	10,666
Nonoperating revenue (expense):	
Interest income	439
Interest expense (debt service)	-
Total nonoperating expense	439
Gain (Loss) before transfer	11,105
Transfers out	-
Change in net assets	11,105
Total net assets, July 1	381,970
Total net assets, August 31, 2022	**$ 393,075**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through August 31, 2023 compared to August 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU AUG 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 2,000			$ 1,000	
Batting Cages		$ 2,678			$ 750	
Programs		$ 458			$ 250	
Rental Income		$ 5,808			$ 8,680	
TOTAL CHARGE FOR SERVICES	$ -	$ 10,943		$ -	$ 10,680	
INTEREST ON INVESTMENTS	$ -	$ 439		$ -	$ 87	
GRAND TOTAL REVENUES	**$ -**	**$ 11,382**		**$ -**	**$ 10,767**	

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through August 31, 2022 compared to August 31, 2021

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU AUG 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			See Recreation Budget			$ -
Purchased Services							$ -
Programs		$ 260			$ 3,362		$ (3,102)
Supplies							$ -
Utilities		$ 117					$ 117
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -			$ -	$ 4,371		$ (4,371)
	$ -	$ 377		$ -	$ 7,733		$ (7,356)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 377**		**$ -**	**$ 7,733**		**$ (7,356)**

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for August 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of August 31, 2023.

The Norway Savings Bank Arena report now includes a budget to actual comparison with last fiscal year for both revenues and expenditures.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, July 31, 2023.

Current Assets:
As of the end of August 2023 the total current assets of Norway Savings Bank Arena were ($959,455). These consisted of cash and cash equivalents of $281,103, accounts receivable of $68.725, and an interfund payable of $1309.283, which means that Norway owes the General Fund $1,309.283 at the end of August.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of August 31, 2023 was $102,173.

Liabilities:
NSB Arena had accounts payable of $2,345, and a net pension liability of $52,355 as of August 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through August 2023 are $97,764. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through August 2023 were $198,973. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of August 2023, Norway Arena has an operating loss of $101,209 compared to the August 2022 operating gain of $26,614.

As of August 31, 2023, Norway Arena has a decrease in net assets of $101,209.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY24 is $28,799 less in FY23 and expenditures in FY24 are $92,897 more than last year in August.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
August 31, 2023
Business-type Activities - Enterprise Fund

		August 31 2023	July 31 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 281,103	$ 281,103	$ -
Interfund receivables		$ (1,309,283)	$ (1,336,544)	$ 27,261
Prepaid Rent				$ -
Accounts receivable		68,725	89,685	$ (20,960)
	Total current assets	(959,455)	(965,756)	6,301
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		517,049	517,049	-
Land improvements		-	-	-
Less accumulated depreciation		(473,099)	(473,099)	-
	Total noncurrent assets	102,173	102,173	-
	Total assets	(857,282)	(863,583)	6,301
LIABILITIES				
Accounts payable		$ 2,345	$ 573	$ 1,772
Net OPEB liability		$ 64,614	$ 64,614	$ -
Net pension liability		(52,355)	(52,355)	-
Total liabilities		14,604	12,832	1,772
NET ASSETS				
Invested in capital assets		$ 102,173	$ 102,173	$ -
Unrestricted		$ (974,059)	$ (978,588)	$ 4,529
Total net assets		**$ (871,886)**	**$ (876,415)**	**$ 4,529**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
August 31, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 97,764
Operating expenses:	
Personnel	64,095
Supplies	9,210
Utilities	1,810
Repairs and maintenance	17,258
Insurance Premium	-
Depreciation	
Capital expenses	99,185
Other expenses	7,415
Total operating expenses	198,973
Operating gain (loss)	(101,209)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	(101,209)
Transfers out	-
Change in net assets	(101,209)
Total net assets, July 1	(1,304,744)
Total net assets, August 31, 2023	**$ (1,405,953)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through August 31, 2022 compared to August 31, 2021

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU AUG 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500		0.00%	$ -
Skate Rentals	$ 6,000	$ 275	4.58%	$ 6,000		0.00%	$ 275
Pepsi Vending Machines	$ 2,000	$ 125	6.25%	$ 2,000	$ 265	13.25%	$ (140)
Games Vending Machines	$ 3,000		0.00%	$ 3,000		0.00%	$ -
Vending Food	$ 2,000	$ 87	4.35%	$ 2,000	$ 54	2.70%	$ 33
Sponsorships	$ 230,000	$ 34,947	15.19%	$ 230,000	$ 46,000	20.00%	$ (11,053)
Pro Shop	$ 7,000	$ 507	7.24%	$ 7,000		0.00%	$ 507
Programs	$ 20,000		0.00%	$ 20,000		0.00%	$ -
Rental Income	$ 702,000	$ 50,263	7.16%	$ 702,000	$ 52,434	7.47%	$ (2,171)
Camps/Clinics	$ 50,000	$ 11,560	23.12%	$ 50,000	$ 16,860	33.72%	$ (5,300)
Tournaments	$ 50,000	$ -	0.00%	$ 50,000	$ 10,950	21.90%	$ (10,950)
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 97,764	8.98%	$ 1,088,500	$ 126,563	11.63%	$ (28,799)

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through August 31, 2023 compared to August 31, 2022

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU AUG 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 64,095	22.02%	$ 291,095	$ 47,864	16.44%	$ 16,231
Purchased Services	$ 136,900	$ 24,673	18.02%	$ 136,900	$ 29,365	21.45%	$ (4,692)
Supplies	$ 76,562	$ 890	1.16%	$ 76,562	$ 890	1.16%	$ -
Utilities	$ 267,000	$ 1,810	0.68%	$ 267,000	$ 6,737	2.52%	$ (4,927)
Capital Outlay	$ 50,000	$ 99,185	198.37%	$ 50,000	$ 12,900	25.80%	$ 86,285
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 190,653	23.21%	$ 821,557	$ 97,756	11.90%	$ 92,897
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 190,653**	**23.21%**	**$ 821,557**	**$ 97,756**	**11.90%**	**$ 92,897**

City Council Workshop & Meeting
Agenda
October 16, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

A. Winter Oaks Concept Plan and PRO Housing Grant Application – Glen Holmes
B. Lake Auburn – Eric Cousens
C. Economic development (real estate matter), pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Whiting

Pledge of Allegiance

I. Consent Items – None

II. Minutes - September 18, 2023, Regular City Council Meeting

III. Communications, Presentations and Recognitions

- Recycling Update – Phil Crowell, City Manager
- Proclamation - Extra Mile Day (November 1, 2023)
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Order 115-09052023
Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

2. Ordinance 20-09182023
Amending Chapter 24, Article II, Division 1, Sec. 24-33 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits. Public hearing and second reading.

3. Ordinance 21-09182023
Amending the Code of Ordinances, Chapter 14, Article XVIII Adult Use and Medical Marijuana Business licensing. Public hearing and first reading.

4. Public hearing - Partial discontinuance of Chestnut Street

5. **Public hearing -** Discontinuance and re-alignment of Miller Street

VI. New Business

1. **Public hearing** - CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2022.

2. **Ordinance 22-10162023**
   Amending the Auburn Zoning Ordinance – Minimum Dwelling Size. First reading.

3. **Ordinance 23-10162023**
   Amending the Auburn Zoning Map, Area B change, from UR, SR, and LDCR to T4.2B. First reading.

4. **Order 131-10162023**
   Authorizing the issuance of General Obligation Bonds and Tax Levy Therefor, for the proposed Public Safety Building. Public hearing and first reading. **Requires an affirmative vote of five.**

5. **Order 132-10162023**
   Authorizing the City Manager to execute a modified contract with Casella to reinstate curbside recycling.

6. **Order 133-10162023**
   Allocating $10,317.00 from the American Rescue Plan Act (ARPA) funds to the Auburn Ski Association to purchase an alpine ski timing system.

7. **Order 134-10162023**
   Allocating $10,000 of American Rescue Plan Act (ARPA) funds to the Edward Little High School Outdoor Club.

8. **Order 135-10162023**
   Allocating $10,000.00 from the American Rescue Plan Act (ARPA) funds to Special Olympics Maine to be the "Presenting Sponsor" for the "Special Olympics Maine Winter Games 2024" to be held at Lost Valley in February 2024.

9. **Order 136-10162023**
   Allocating up to $5,000.00 from the American Rescue Plan Act (ARPA) funds to provide public safety costs (Police and EMS services) associated with Special Olympics Maine Winter Games 2024" to be held at Lost Valley in February 2024.

VII. Open Session -

Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda

VII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions

- **Economic development, pursuant to 1 M.R.S.A. §405(6)(C)** which premature disclosure would prejudice the competitive or bargaining position of the City.
- **Economic development, pursuant to 1 M.R.S.A. §405(6)(C)** which premature disclosure would prejudice the competitive or bargaining position of the City.

- **Personnel matter, pursuant to 1 M.R.S.A. §405(6)(A)**

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Workshop**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Winter Oaks Concept Plan and PRO Housing Grant Application

---

Information:
The City of Auburn is collaborating with key partners, including Homes For All, LLC, Androscoggin Land Trust, Androscoggin Savings Bank, Androscoggin County Emergency Management Agency, and the Auburn-Lewiston YMCA, to transform a 62-acre city-owned parcel into a mixed-use, mixed-income community. This initiative combines environmental conservation, outdoor education, affordable housing, childcare, and community enrichment programs.

The project involves creating 100 new residential units, comprised of 48 single-family homes, 8 owner-occupied duplexes, and three 12-unit apartment buildings on city owned property. This project will seamlessly connect with existing city sidewalks and bike lanes, extending to 25 acres of conserved natural land and hiking trails. Additionally, the development will provide infrastructure for an outdoor environmental education center, on-site childcare, and a multi-use community space which will double as an emergency shelter facility for regional residents.

The City of Auburn's Business & Community Development department seeks Council support to secure a $9.5 million grant from the Pathways to Removing Obstacles to Housing (PRO Housing) program. These funds will cover construction costs for new public roads and utilities, including sidewalks, sewer, and water services within the development.

City Budgetary Impacts:
The $4 million in applicant matching funds will be primarily covered by staff time of key city employees over a 5-year development plan, a significant portion of which is already funded by existing entitlement funds from the U.S. Department of Housing & Urban Development. Furthermore, additional funds from a forthcoming affordable housing Tax Increment Finance district will offer additional development incentives and support operational costs for on-site childcare and the Androscoggin Land Trust.

Staff Recommended Action:
Council Input

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Winter Oaks Concept Presentation, DRAFT PRO Housing Application

Winter Oaks

Concept Plan and Development Summary

Pathways to Removing Obstacles to Housing
(PRO) Housing Grant Application

Glen E. Holmes - Director of Business & Community Development

auburnmaine.gov

Vision:

PRO HOUSING
Pathways to Removing Obstacles

Community Focused Housing as a Catalyst for Change:

Our vision is to ensure that every individual, regardless of their cultural and economic background, finds a place to call home – an accessible place of safety, dignity, and opportunity.

Development Partners	
➢ Homes For All, LLC ➢ Androscoggin Land Trust ➢ YMCA of Auburn-Lewiston ➢ Androscoggin Emergency Management Agency	➢ Community Concepts Inc. ➢ Auburn Housing Authority ➢ Maine State Housing Authority ➢ Androscoggin Savings Bank

auburnmaine.gov

Winter Oaks Housing Development

PRO Housing Application Proposal

Total project proposes 100 mixed income residential units providing for:

- 56 new Homeowners
- 44 new rental units
- 1 new childcare facility
- 1 new community facility
  - Including emergency warming/cooling shelter

auburnmaine.gov

Community benefits

PRO HOUSING
Pathways to Removing Obstacles

- **Housing: Racial & Economic Equity**
  - Affordable housing
    - Homeownership – 56 new homeowners
    - Rental development – 44 new mixed-income apartments
  - Advancing racial equity by deconcentrating minority housing from traditional urban, low-income neighborhoods
  - Affirmative Marketing
    - 70% of houses will be marketed and sold to income qualifying applicants at or below HUD sales price cap
    - 70% of apartments will be marketed and rented to income qualifying applicants at or below HUD established rent cap

- **Community Infrastructure**
  - Public Parks
    - Public park with art installations
    - Land Trust managed hiking trails
    - Conservation land for public access
  - Pedestrian safety and traffic slowing implements
  - Bike path & sidewalks connect to greater community
  - Emergency preparedness warming/cooling shelter
  - Community gathering spaces (indoor & out)
  - Extension of utilities to the greater community

- **Community Services**
  - Land-Trust managed outdoor education space
  - Community room available for public use
  - YMCA managed on-site childcare

auburnmaine.gov

Homes For All, LLC

Homes For All, LLC, a woman and minority-owned business, founded by Fatuma Hussein, an Auburn resident with a strong history in addressing housing disparities by providing translation and social services. Fatuma has played a pivotal role at the Immigrant Resource Center of Maine, offering culturally and linguistically sensitive support to refugee and immigrant communities in Maine. Fatuma founded Homes For All, LLC and employs an advisory council of experienced housing developers with backgrounds in non-profit as well as for-profit housing development.

Homes For All, LLC Advisory Council:

- **Dana Totman** – Affordable Housing & non-profit leader with 40+ years' experience addressing community challenges around housing. Previous roles include:
  - President & CEO of Avesta Housing 2000-2022
  - Deputy Director of Maine State Housing Authority 1994-2000
- **Kevin Bunker** – Specialization in housing development financing, permitting & project Management. Previous roles include:
  - Principal of Developers Collaborative 2007-2023
  - Assistant Planer at City of Rockland 2003-2006
- **Genesis Community Loan Fund -** Agency providing Technical Assistance to Maine communities including municipalities, community groups, private developers, and cultural organizations that have an interest in creating affordable housing.

auburnmaine.gov

Public Access

ANDROSCOGGIN LAND TRUST

This project aims to foster a symbiotic partnership between Winter Oaks development, the City of Auburn, and the Androscoggin Land Trust. Our goal is to elevate residents' quality of life by emphasizing environmental conservation, outdoor education, and community engagement. By incorporating these initiatives into our development plan, we are making an equitable investment in neighborhood amenities that enhance the health, safety, and overall quality of life for both new residents and the wider community.

ALT will establish and maintain a stewardship endowment fund, akin to those set up for other parcels. This fund will allow them to allocate a yearly percentage towards essential stewardship costs. They will also mobilize a dedicated network of volunteers to assist with maintenance, programming, and stewardship efforts for the Winter Oaks Parcel.

1. Neighborhood Walking Trails:
We will create neighborhood walking trails that link the Winter Oaks property, identified green spaces, and the Androscoggin Land Trust's conserved lands providing opportunities for walking, jogging, birdwatching, and nature appreciation.

2. Outdoor Education:
These initiatives will promote environmental awareness and encourage residents to connect with the natural world, benefiting the broader community.

3. Land Conservation:
This project builds accessible hiking trails on the 25 acres of property previously donated to the Land Trust for long-term conservation.

4. **Community Engagement:**
Hosting community clean-up events or environmental workshops for residents within the proposed community room and parks to be created within the development.

auburnmaine.gov

Community Building

Our project will establish indoor and outdoor spaces for community groups and public gatherings. These spaces will also facilitate the provision of additional community services through our partnership with the YMCA of Auburn-Lewiston. The YMCA will open, staff, furnish, and operate at its own cost a full-service Early Childhood Education Center at the proposed housing community center. Priority will be given to residents in the proposed Winter Oaks Housing Development. Licensing, staff training, and initial start-up costs are expected to be between $40,000 and $60,000. The YMCA will provide these funds as an in-kind donation to the project.

1. On-site Childcare:

Childcare is an essential aspect of not only early education but increasing of potential workforce. Both full day childcare and after-school programming will be serving the larger community need. Services will be provided at a subsidized rate to income-qualifying residents.

2. Transportation:

Transportation shuttles will be a key part of providing access for residents of this remote neighborhood to be able to access additional YMCA programming such as Summer Camp and youth sports.

3. Playground:

In connection with childcare will be a public access playground. This addition better serves the community at large by providing a safe and accessible place for families with younger children to gather, grow and learn.

4. Community gathering space:

Additional community gathering space is included within the mixed-use multi-unit buildings. These facilities include a small kitchen space and community room available to organizations and families for educational events, potluck fundraisers, and civic gatherings.

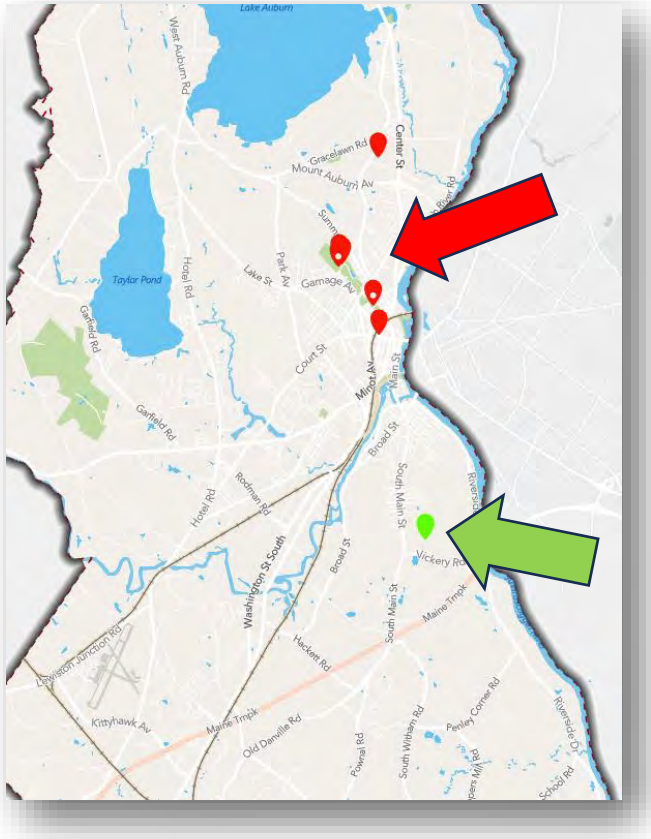
Emergency Shelter

Androscoggin EMA is a vital community partner that provides essential training and education to prepare both our community and partner organizations for disasters proactively. Their support extends to funding emergency preparedness and response resources, such as backup generators for disaster emergency shelters.

Multi-unit facilities which do not have back up electrical and/or heating systems pose high-risk situations during prolonged power failures.

Building Resilient Infrastructure and Communities (BRIC) grants can be leveraged to provide funding and technical assistance to local communities as they undertake hazard mitigation projects which reduce the risks proposed by disasters and natural hazards.

Creating a community disaster emergency shelter with backup utilities at Winter Oaks will benefit the underserved neighborhood south of the Little Androscoggin River, enhancing emergency resiliency and resource allocation in the area.



Existing Emergency Shelters

- Norway Savings Bank Arena
- Senior Community Center
- Hasty Memorial Gym
- Ingersoll Turf Facility
- Auburn Public Library
- PAL Center

Proposed Emergency Shelter

- Winter Oaks Community Center

Grant Summary

PRO HOUSING
Pathways to Removing Obstacles

Overview:

Communities nationwide are suffering from a lack of affordable housing, and housing production is not meeting the increasing demand for accessible and available units in many urban and rural areas, particularly areas of high opportunity. Pathways to Removing Obstacles to Housing (PRO Housing) supports communities who are actively taking steps to remove barriers to affordable housing, such as:

- Barriers caused by outdated zoning, land use policies, or regulations;
- Inefficient procedures;
- Gaps in available resources for development;
- Deteriorating or inadequate infrastructure;
- Lack of neighborhood amenities; or
- Challenges to preserving existing housing stock such as increasing threats from natural hazards, redevelopment pressures, or expiration of affordability requirements.

Posted Date: Sept. 7, 2023 **Deadline:** October 30, 2023

Purpose: further develop, evaluate, and implement housing policy plans, improve housing strategies, and facilitate affordable housing production and preservation.

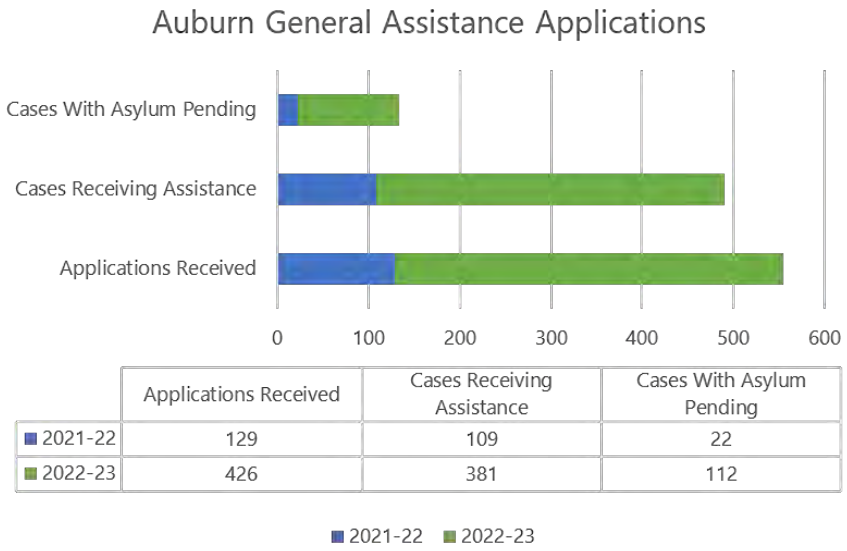
Award Amount: from $1-$10 Mil with six-year performance period.

auburnmaine.gov

Auburn Activities

PRO HOUSING
Pathways to Removing Obstacles

Auburn is addressing a deficit of over 2,000 affordable housing units. Increases in homelessness and asylum seekers has added to the urgency of demand. Auburn General Assistance has seen a 330% increase in local need, primarily for housing, utility, and food aid. Of a total 426 applications received, 112 cases were asylum-related, representing a 509% increase over the previous year. Additionally, In the past seven months Project Support You (PSY) staff has served 263 homeless Auburn residents while co-responding or receiving referrals from Auburn Police & Rescue personnel.



	Applications Received	Cases Receiving Assistance	Cases With Asylum Pending
2021-22	129	109	22
2022-23	426	381	112

Actions taken by the City of Auburn within the past 12 months

- Funded new, low barrier housing development programs.
  - Up to 15 new units from Accessory Dwelling Unit Development (ARPA & MSHA) $500,000
  - Up to 10 new units from HOME Unit Development (HUD) $1,000,000
- Streamlined permitting process for new units
- Improved zoning for new unit development
- Contracted service providers below to offer case management services for Auburn Residents:
  - Rumford Group Homes
  - Tri-County Mental Health
  - Community Concepts Inc.
  - Immigrant Resource Center of Maine
  - Housing Resources for Youth

auburnmaine.gov

Community Buy-in

PRO HOUSING
Pathways to Removing Obstacles

Community Participation & Consultation:

The Development Team has relied heavily on the input from community partners in the development of a concept plan. This plan intentionally integrates partners and amenities that will serve the larger community. This plan will continue to provide extensive community consultation and input practices to ensure this project meets its goals on equity, inclusion and the development of a broad-based community support structure. This process ensures progress and the commitment to overcoming local barriers and myopic opposition. This process includes:

(1) Public Posting and Public Hearing of draft application
(2) Community listening sessions with larger New Auburn community.
(3) Continued consultation with Androscoggin Land Trust regarding site design and impact.
(4) Inter agency collaboration with Auburn Water & Sewer regarding utilities installation servicing larger community.
(5) Collaboration with Androscoggin Emergency Management to establish Community Warming/Cooling Emergency Shelter.
(6) Collaboration with Maine State Housing Authority for culturally specific homeowner educational classes.

Winter Oaks Development Supporting Studies:

- 1990 Planning Board Approved Winter Oaks Housing Development Plan
- AWD 2022 New Auburn Public Water System Extension Study
- ASD 2023 New Auburn & Washington St Sewer Routing Study

auburnmaine.gov

HUD Priorities

PRO HOUSING
Pathways to Removing Obstacles

HUD will prioritize applicants that demonstrate:

(1) progress and a commitment to overcoming local barriers to facilitate **the increase in affordable housing production** and preservation; and

(2) an acute demand for housing affordable to households with **incomes below 100 percent of the area median income**.

(3) expanding affordable housing in a manner that would **promote desegregation**;

(4) expanding affordable housing in well-resourced areas of **opportunity for protected class groups that have systematically been denied equitable access** to such areas; or

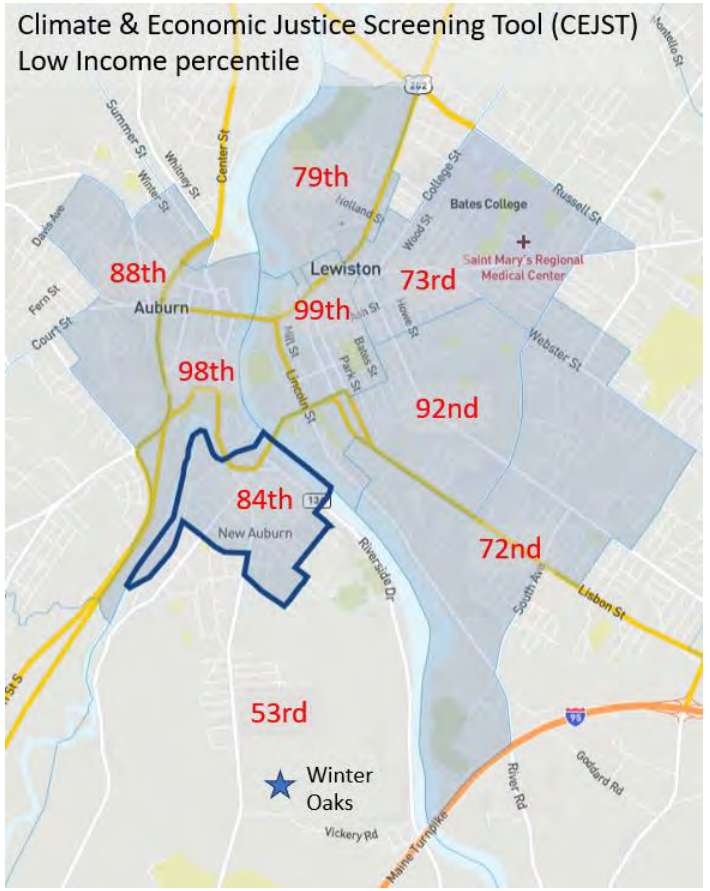
(5) deconcentrating affordable housing **and increasing housing choice**

National Objective:

a. Benefiting low- and moderate-income persons,

b. Preventing or eliminating slums or blight, or

c. Meeting other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.



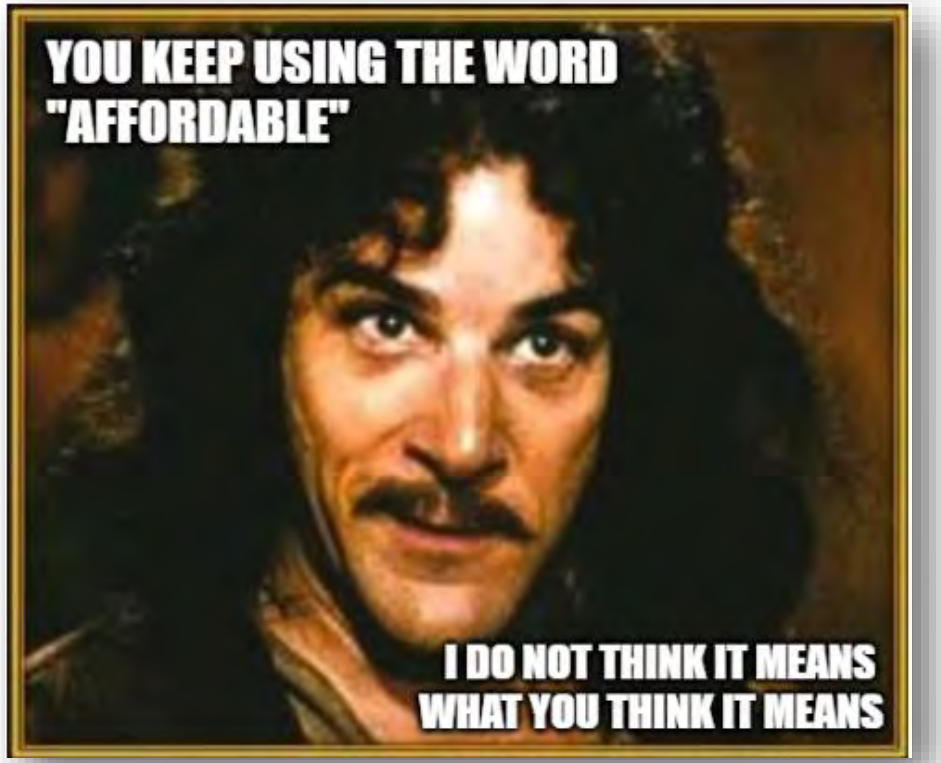
auburnmaine.gov

Housing Costs

PRO HOUSING
Pathways to Removing Obstacles

Area Median Income Limits - Lewiston/Auburn		
Household Size	**80% AMI**	**100% AMI**
1	$47,250	$59,010
2	$54,000	$67,440
3	$60,750	$75,870
4	$67,450	$84,300
5	$72,850	$91,044
6	$78,250	$97,788
7	$83,650	$104,532
8	$89,050	$111,276

Bedroom Size	**Maximum HOME Rent**
Efficiency	$747
1	$834
2	$1,060
3	$1,391
4	$1,533
5	$1,672
6	$1,812



HTF Sale Price Limit	**1-Unit**	**2-unit**	**3-unit**	**4-unit**
Lewiston-Auburn, ME MSA	$242,000	$310,000	$375,000	$465,000

auburnmaine.gov

Housing Availability

PRO HOUSING
Pathways to Removing Obstacles

75% of Auburn renters and 27% of Auburn homeowners qualify for housing subsidy based on household income

40% of Auburn renters and 20% of Auburn homeowners are cost-burdened (paying more than 30% on housing)

Auburn Income Distribution by Tenancy*						
	Owners	Owners %	Renters	Renters %	Total	% of Pop
Household Income Less than 30% HAMFI	260	4.5%	1140	24.8%	1400	13.4%
Household Income 30-50% HAMFI	525	9.0%	1070	23.2%	1595	15.3%
Household Income 50-80% HAMFI	795	13.6%	1265	27.5%	2060	19.7%
Sub total under 80% HAMFI	**1580**	**27.1%**	3475	75.5%	**5055**	**48.4%**
Household Income Over 80% HAMFI	4255	72.9%	1130	24.5%	5385	51.6%
Total	**5835**		**4605**		**10440**	
Housing Cost Burden (as a percentage of income)*						
Cost Burden greater than 50%	540	9.3%	905	19.7%	1445	13.8%
Cost Burden 30-50%	665	11.4%	955	20.7%	1620	15.5%
Sub total Cost-Burden	**1205**	**20.7%**	1860	40.4%	**3065**	**29.4%**
Cost Burden less than 30%	4630	79.3%	2745	59.6%	7375	70.6%
Total	**5835**		**4605**		**10440**	
*Comprehensive Housing Affordability Strategy (CHAS) data date :2015-2019 ACS						

Auburn Affordable Housing Options				
	Units	% of Units		
MSHA Income-based & Rent restricted	813	17.7%	Total Renters under 80% HAMFI	3475
AHA Housing Choice Vouchers (HCV)	400	8.7%	Total Affordable Rental Units	1213
Sub Total of Affordable	1213	**26.3%**	Unmet Needs=	2262

LEWISTON-AUBURN > Posted July 9 | Updated July 10

BY ANDREW RICE SUN JOURNAL

A vacancy rate of zero is pushing up rents and has Lewiston and Auburn embracing any and all new housing

A vacancy rate of essentially zero means there is no room for mobility for renters facing rent increases or evictions, leaving people priced out. Officials say rent control isn't the answer, more housing is.

Maine's affordable housing crisis is contributing to a big increase in student homelessness

Rukema said across Maine, the number of students identified as homeless skyrocketed to more than 4,400 during the 2022-23 school year.

Maine Public | By Robbie Feinberg
Published September 20, 2023 at 7:43 AM EDT

auburnmaine.gov

Fair Housing

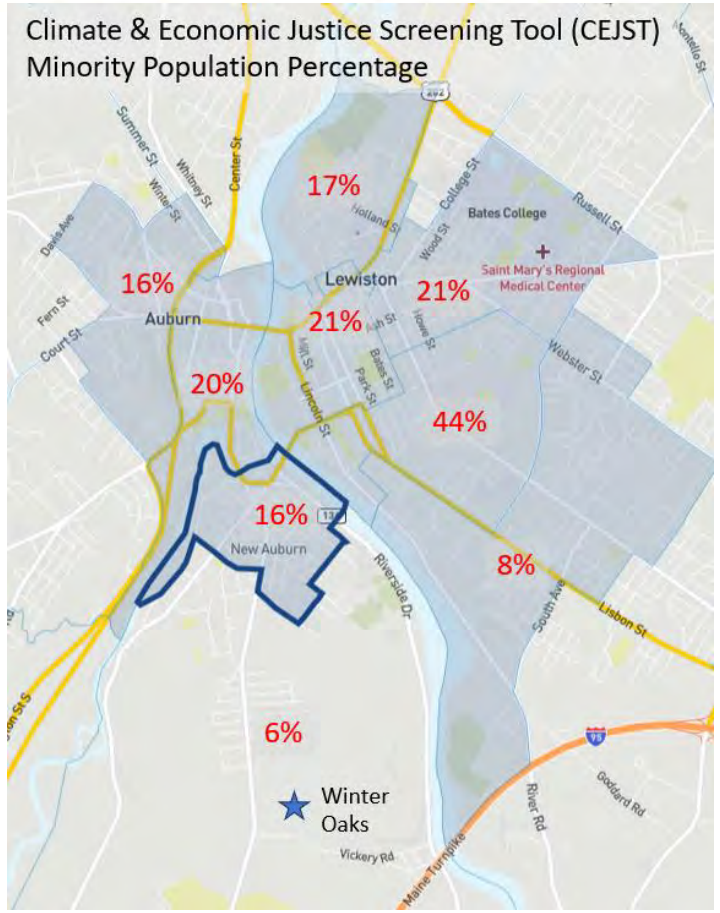
PRO HOUSING
Pathways to Removing Obstacles

What is Fair Housing?

Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, requires recipients of federal funds from HUD to take meaningful actions, in addition to combating discrimination, that **overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity** based on protected characteristics, which are:

- Race
- Color
- National origin
- Religion
- Sex (including gender identity and sexual orientation)
- Familial status
- Disability

Specifically, affirmatively furthering fair housing means taking meaningful actions to address significant disparities in housing needs and in access to opportunities, **replacing segregated living patterns with truly integrated and balanced living patterns**, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.



auburnmaine.gov

Development Budget

PRO HOUSING
Pathways to Removing Obstacles

The City of Auburn currently owns the undeveloped portion of the original Winter Oaks Development plan. PRO Housing grant funds will be used to construct city owned public infrastructure, including roads, sidewalks and utilities required to service the proposed housing. The city is providing matching funds directly, and funded via additional CDBG funds, to cover staff time providing technical assistance and project oversight of the public infrastructure construction. A to-be-established TIF will provide future service and affordable housing development costs as detailed within the grant application.

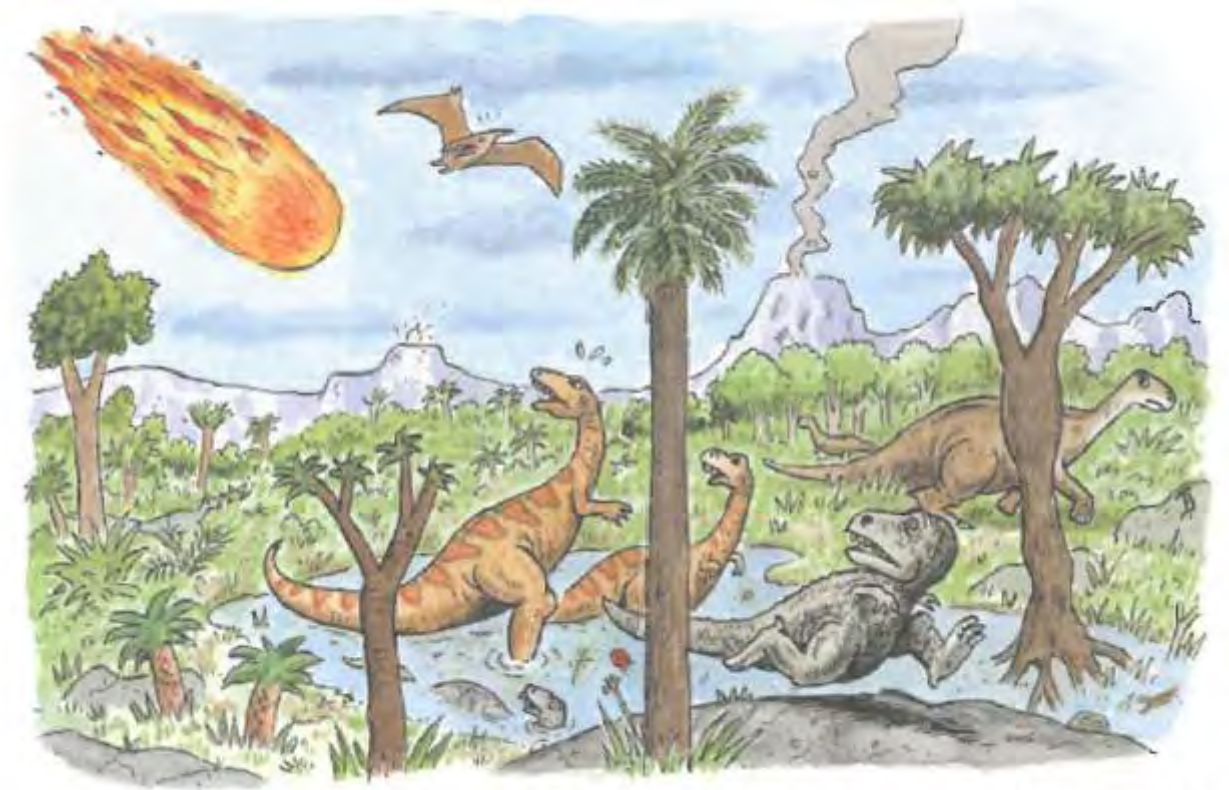
The Developer is contributing additional resources and funding to construct the residential units for sale or rent within a phased development plan. Seventy precent of the sales & rentals will be at or below HUD established maximums.

Detailed Description of Budget			
	Analysis of Total Estimated Costs	Estimated Cost	Percent of Total
1	Personnel (Direct Labor)	$439,400	1.0%
2	Fringe Benefits	$290,004	0.6%
3	Travel	$0	0.0%
4	Equipment	$0	0.0%
5	Supplies and Materials	$0	0.0%
6	Consultants	$0	0.0%
7	Contracts and Sub-Grantees	$3,400,000	7.4%
8	Construction	$42,008,000	91.0%
9	Other Direct Costs	$0	0.0%
10	Indirect Costs	$0	0.0%
	Total:	**$46,137,404**	**100.0%**
	Federal Share:	**$9,500,000**	
Match (Expressed as a percentage of the Federal Share):		**79.4%**	

Detailed Sources of Funds			
		Estimated Contribution	Percent of Total
1	HUD Share	$9,500,000	20.6%
2	Applicant Match	$4,129,404	9.0%
3	Other HUD Funds	$0	0.0%
4	Other Federal Share	$0	0.0%
5	State Share	$3,300,000	7.2%
6	Local/Tribal Share	$0	0.0%
7	Other Private Financing	$13,940,800	30.2%
8	Program Income	$15,267,200	33.1%
	Total:	**$46,137,404**	**100.0%**

auburnmaine.gov

Q & A



REMEMBER: Your IMPACT can change the world.

U.S Department of Housing & Urban Development

Pathways to Removing Obstacles to Housing (PRO Housing)

Opportunity Number: FR-6700-N-98
Listing Number:

auburnmaine
Business & Community Development Department

Glen E. Holmes, Director
(207) 333-6601 Ext. 1159
60 Court St Auburn, ME 04210
GHolmes@AuburnMaine.gov

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

APPLICATION EXHIBITS

A. EXECUTIVE SUMMARY EXHIBIT ____ *2*
i. Project Description ____ 3
ii. National Objective ____ 5
iii. Advancing Racial Equity ____ 6
iv. Affirmative Marketing ____ 11
B. THRESHOLD AND OTHER SUBMISSION REQUIREMENTS EXHIBIT ____ *14*
i. Eligibility of Applicant ____ 15
ii. Eligible Activities funded with grant funds ____ 15
C. DEMONSTRATION OF NEED EXHIBIT ____ *17*
i. Efforts to identify, address, mitigate, or remove barriers to affordable housing production 21
ii. Demand for affordable housing ____ 23
iii. Key barriers to producing affordable, accessible housing ____ 26
D. SOUNDNESS OF APPROACH EXHIBIT ____ *27*
i. Project Vision ____ 28
ii. Geographic scope ____ 28
iii. Key Stakeholders and Engagement ____ 29
iv. Affirmatively furthering fair housing ____ 30
v. Budget and Timeline ____ 31
E. CAPACITY EXHIBIT ____ *34*
i. City and Partner Capacity & Staffing Plan ____ 35
F. LEVERAGE EXHIBIT ____ *37*
i. Leveraged funding & Non-Financial Contributions ____ 38
G. LONG-TERM EFFECT EXHIBIT ____ *39*
i. Permanent, Long-Term & Outcomes ____ 40

DRAFT

A. EXECUTIVE SUMMARY EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit A: Executive Summary

The city of Auburn is partnering with Homes For All, LLC., The Androscoggin Land Trust, Androscoggin Savings Bank, Androscoggin County Emergency Management Agency, and the Auburn-Lewiston YMCA to develop a 62-acre city-owned parcel into a mixed-use, mixed-income neighborhood which incorporates environmental conservation, outdoor education, affordable housing, child-care, and community enrichment programs.

i. Project Description

The proposed project entails the development of 100 new residential units, consisting of 48 single-family residences, 8 owner-occupied duplexes, and three 12-unit apartment buildings, situated on a 37-acre parcel within a forthcoming city-planned residential community. This development project will seamlessly integrate existing city sidewalks and bike lanes through the proposed development to an additional 25 acres of conserved natural land and hiking trails. Furthermore, the development will provide essential infrastructure to support an outdoor environmental education center, on-site childcare facilities, and an indoor community space designed to function as an emergency warming and cooling center for regional residents.

Funding provided by the PRO Housing grant program will be utilized to install necessary public roads, utilities, and pedestrian infrastructure. Current market-driven construction costs and developer capacity have made developing this existing city-owned property challenging, with multiple attempts stalling due to a lack of available funds.

Developer Background: Homes For All, LLC, a woman, and minority-owned business, founded by Fatuma Hussein, an Auburn resident with a strong history in addressing housing disparities by providing translation and social services. Fatuma has played a pivotal role at the Immigrant Resource Center of Maine, offering culturally and linguistically sensitive support to refugee and immigrant communities in Maine. Fatuma founded Homes For All, LLC and employs an advisory council of experienced housing developers with backgrounds in non-profit as well as for-profit housing development.

Home Ownership: Seventy percent of the newly constructed single-family residences and duplexes will be allocated to households that meet income qualification criteria established within the PRO Housing Program. These homes will include deed restrictions ensuring a 20-year, HUD-approved resale and recapture provision to maintain the program's long-term objectives. Additionally, we have established a strategic partnership with a financial institution specializing in Sharia-compliant and culturally sensitive home loans to help us advance our goals of promoting racial equity.

Affordable Housing: Seventy percent of the apartments within this development will be made available for rent to applicants who meet income qualification criteria, with a 20-year commitment to maintaining affordability. These rental units will be subject to oversight by the City of Auburn in strict compliance with the established monitoring protocols and guidelines governing HOME program units.

Childcare Services: Childcare services will be conveniently offered by the Auburn-Lewiston YMCA, located within one of the mixed-use, multi-unit buildings. Operational expenses for childcare subsidies will be extended to residents of the project who meet income qualification criteria and will be funded as part of a Tax Increment Financing (TIF) district-authorized project cost, in accordance with Maine state statute Title 30-A, Section 5225 (1)(C)(5).

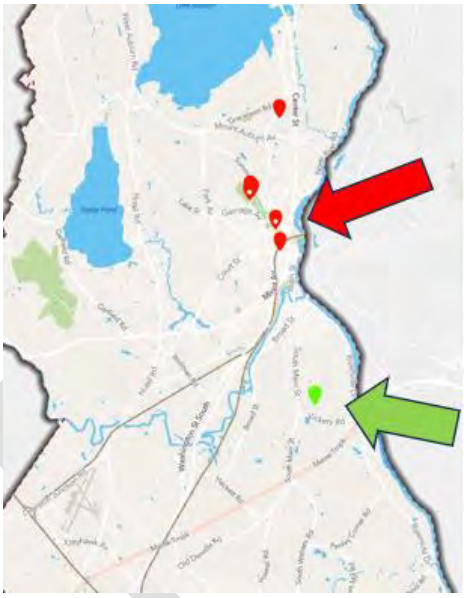
Public Green Spaces and Conservation: A substantial portion of this development will be dedicated to publicly accessible conservation land and green spaces. Already, 25 acres have been transferred to the Androscoggin Land Trust. In addition, space within the development will be set aside for the inclusion of public parks that will showcase art installations and provide bicycle lanes, walking trails, public parking, and facilities for an outdoor educational center and trailhead. These amenities are designed to promote broader community engagement and use.

Emergency Preparedness and Resiliency Planning:

Earlier this year, the City of Auburn hosted the Androscoggin County Natural Hazard Mitigation project planning workshop in collaboration with the Androscoggin Emergency Management Agency. This meeting emphasized the growing need to expand emergency shelter facilities across the city. Currently, three of the five existing facilities managed by the city for emergency shelters are situated on the same property, and an additional one has

DRAFT

yet to be constructed. However, all the existing and proposed shelter facilities are located within a 2-mile radius of each other, making them centrally consolidated in a city that stretches over 15 miles from North to South.

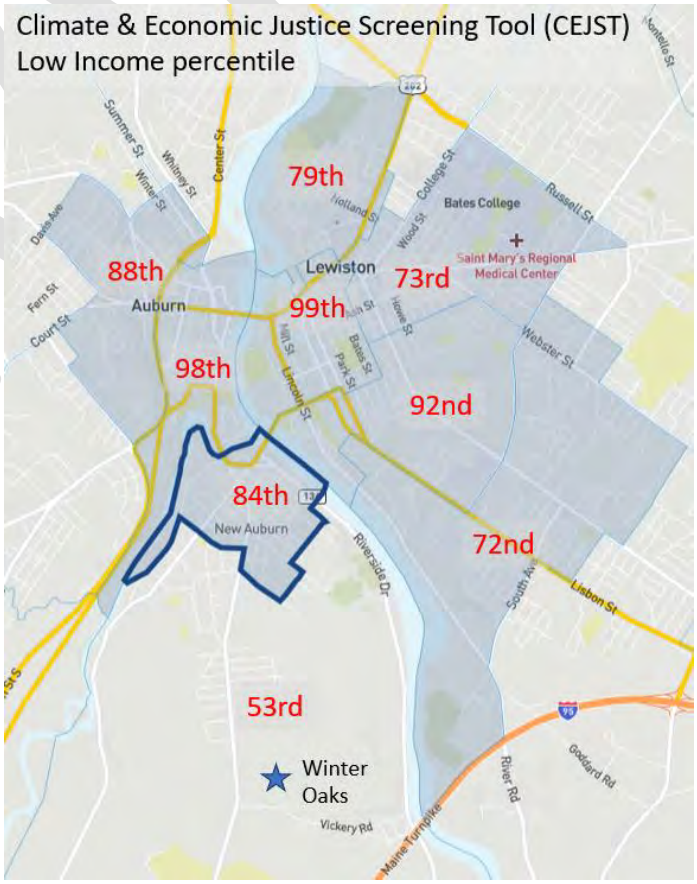


The proposed emergency shelter to be integrated into the Winter Oaks development will be the sole municipal facility positioned south of the Little Androscoggin River, a winding marshy waterway that bisects the entire city. A key partner in this project, which prioritizes sustainable community development in the context of natural hazard mitigation planning, is the Androscoggin County Emergency Management Agency. Together, we are submitting additional applications for state Building Resilient Infrastructure and Communities (BRICS) grants to secure the necessary resources for building and supporting the establishment of a new emergency shelter to serve the broader South Auburn community.

ii. National Objective

The national objectives met within this project pursuant to section 101(c) of the Housing and Community Development Act of 1974 include, but are not limited to, the following:

Benefitting low- and moderate-persons. The Climate and Economic Justice Screening Tool (CEJST) has identified three downtown census tracts in Auburn and five downtown census tracts in Lewiston as disadvantaged. The image to the right visually illustrates the concentration of low-income residents within these two urban cores. The average of the eight separate census tracts ranks at the 85th percentile when compared to the established threshold of concern, which is set at 65.



DRAFT

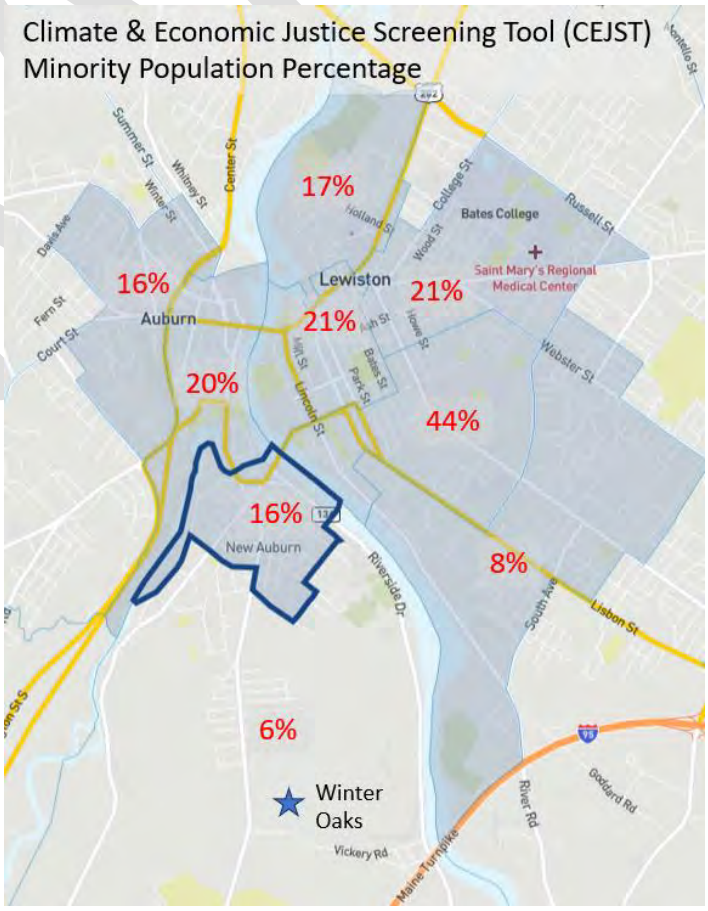
This project aims to establish 100 new residential units outside the urban cores, where affordable housing has historically and unfairly been concentrated. By dedicating 70 percent of these newly created homes and apartments to households qualifying at or below 100% of the Area Median Income (AMI) for a minimum of 20 years, with a particular focus on underserved communities, we seek to address equity issues and promote economic justice.

Preventing or eliminating slums or blight by de-centralizing the development of affordable housing. The proposed location does not currently fall within a low- to moderate-income qualified census block. It will feature planned green spaces with public art installations. This site, situated in a semi-rural environment and adjacent to 25 acres of conservation land, aligns with the city's commitment to deconcentrating affordable housing while improving access to outdoor spaces for affordable housing residents.

Meet other urgent community needs because of immediate threats to the health or welfare of the community. This project addresses a pressing need by establishing an emergency shelter in a neighborhood where such a resource is currently unavailable. The rising frequency of natural hazard events necessitating backup power or the activation of warming/cooling centers for Auburn residents has strained existing response systems. The inclusion of a new community space that can also serve as an emergency center enhances neighborhood resilience and promotes equitable allocation of these critical resources.

iii. Advancing Racial Equity

In accordance with Executive Order 13985, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, this project will utilize the below assessment and planning and monitoring process consistent with federal nondiscrimination requirements.



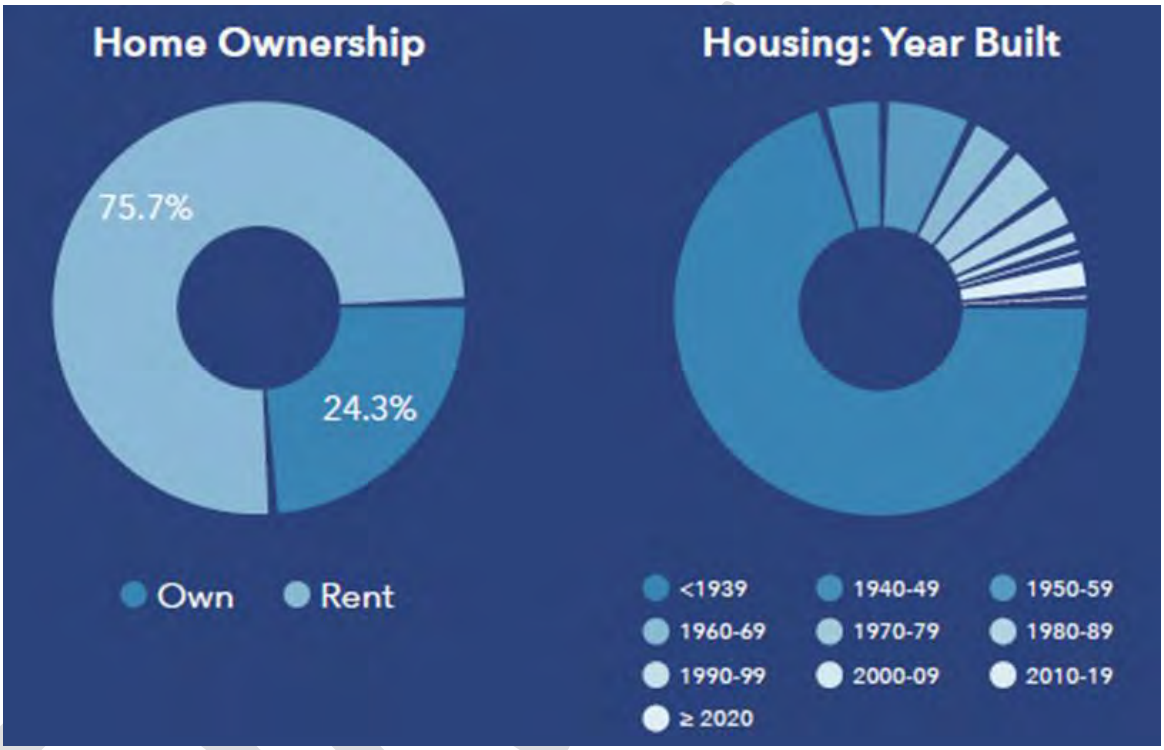
Racial composition of households who are expected to benefit from this project:

The Climate and Economic Justice Screening Tool (CEJST) has identified four downtown census tracts (one in Auburn and three in Lewiston) with a minority population comprising at least 20%. The graphic above

DRAFT

visually illustrates the concentration of the census tracts with the highest minority populations. When compared to the map of low-income populations, a clear and significant correlation emerges, indicating a high presence of low-income residents alongside above-average minority populations within the urban cores of these two cities.

Additionally, the three CDBG qualified census tracts in Auburn are comprised of a housing stock of 75% renters occupying units in which over 75% were constructed before 1968, increasing the prevalence of low to moderate-income, minority residents occupying inefficient, lead-contaminated properties.



Identified potential barriers to persons or communities of color equitably benefitting from this project:

One of the most significant challenges facing individuals and communities of color when it comes to benefiting from new affordable housing developments, such as the proposed project, is the resistance within local communities to placing these projects outside of the established urban core. While expanding affordable housing options to suburban or less densely populated areas is crucial for fostering inclusive community development, it often encounters opposition from local stakeholders. This resistance may arise from concerns related to property values, neighborhood character, or misconceptions about the impact of affordable housing.

The existence of 'Not In My Backyard' (NIMBYism) attitudes and discrimination by communities and neighbors, as highlighted in the Maine State Housing Authority's Analysis of Impediments to Fair Housing Choice published in 2019, is not a new

phenomenon. However, the Auburn administration and City Council have consistently demonstrated their unwavering support for the development of new housing units within the city.

Some of these pioneering approaches have gained national recognition, as exemplified in an article titled "The YIMBYest City in America," where Auburn's Mayor actively confronts the 'Not-In-My-Backyard' (NIMBY) exclusionism the city has encountered. The analysis published by Maine State Housing acknowledges similar barriers at the state level as those observed locally, including the lack of affordable housing unit development, racial and ethnic disparities, and zoning challenges stemming from NIMBYism efforts (discrimination by communities and neighbors).

To address this barrier, our project takes a multifaceted approach:

1. Community Engagement and Education: We prioritize community engagement and public education efforts to dispel misconceptions and raise awareness about the positive impacts of affordable housing. By engaging in open and constructive dialogues with residents, we aim to build support for the project within the local community.

2. Collaboration with Local Leaders: We work closely with local leaders, including city and state officials, neighborhood associations, and influential community members, to gain their support for the project. Their endorsement can help alleviate opposition and foster a sense of shared responsibility for addressing the affordable housing crisis.

3. Inclusivity in Design: Our project incorporates inclusive design principles that ensure the development integrates seamlessly into the existing community. This includes architectural design that complements the surrounding neighborhood, green spaces, amenities that benefit all residents, and traffic management solutions to address concerns about congestion.

4. Affordable Housing Initiatives: We partner with local organizations and housing agencies to provide incentives for affordable housing, such as rent subsidies or homeowner assistance programs. This demonstrates our commitment to addressing the housing needs of marginalized communities.

5. Data-Driven Decision-Making: We rely on comprehensive data analysis to support the project's location selection. This data includes an assessment of demographics, transit accessibility, water and sewer utility capacity, and socioeconomic factors to ensure that the project is strategically placed to benefit those in need.

By implementing these strategies, we aim to mitigate local opposition and ensure that persons and communities of color have equitable access to the benefits of this proposed affordable housing project, thereby fostering an inclusive and diverse community that reflects our commitment to social equity and housing justice.

DRAFT

Detailed steps to prevent, reduce or eliminate barriers:

To address these barriers, the City of Auburn and the project developer have meticulously designed a comprehensive and thoughtful strategy to prevent, reduce, or eliminate obstacles to affordable housing access. This strategy includes allocating budgets for security deposits and down-payment assistance to qualified applicants based on their income. Our unwavering commitment to addressing financial barriers is poised to significantly enhance the effectiveness of our programs.

City administration and elected leaders have departed from conventional governmental approaches to problem-solving. Instead of pursuing large-scale, multi-unit construction projects subsidized by multiple layers of tax incentives and state and federal funds, they have championed more equitable and innovative small-scale methods. One prominent approach is the emphasis on creating new homeowners and multiple owner-occupied duplexes. This not only encourages community engagement by fostering homeowners with a vested interest in their community but also provides sustainable rental income opportunities for many middle- and low-income individuals and families.

Both homeownership and owner-occupied rentals play a pivotal role in enabling families to start building generational wealth, making them essential components of our strategy.

Step 1: Establish Assistance Funding

The City of Auburn, in collaboration with the Auburn Housing Authority and the Maine State Housing Authority, will work closely to create a dedicated fund to ensure that allocated resources are exclusively used for security deposit and down-payment assistance for eligible residents.

Step 2: Define Eligibility Criteria

The developer and the city will collaborate to assess the income qualifications of prospective tenants, ensuring that at least 70% of the units remain affordable. This commitment will be upheld through deeded covenants and regular monitoring conducted by the City's Community Development Office.

Step 3: Outreach and Promotion

Leveraging the developer's extensive history as a housing resource and case management provider, focusing on serving low to moderate-income and diverse communities, we will conduct outreach to establish this project as a representative and inclusive community.

Step 4: Application Process

The city will streamline the application process by aligning it with HUD-approved procedures for income qualifications. This user-friendly, multi-lingual application process removes barriers for eligible applicants seeking security deposit and down-payment assistance.

DRAFT

Step 5: Review and Approval

City approval processes for HUD programs will be enhanced through consultation and procedural refinement, guided by the City's Diversity, Equity, & Inclusion Analyst and the developer's racial equity advisory team.

Step 6: Monitoring and Reporting

Utilizing the city's existing HOME monitoring and reporting system, we will track the impact of the security deposit and down-payment assistance program. This includes regular evaluations of the number of applicants served, the demographics of recipients, and the success rate in securing and maintaining housing.

Step 7: Public Accountability

To promote transparency and garner support, the city will include the results of project monitoring annually in its Consolidated Annual Performance and Evaluation Report (CAPER). This ensures that updates and progress reports on the project's use and assistance provided are regularly shared with the public and relevant stakeholders, building trust and support for the initiative.

Step 8: Sustainability Planning

The success of this project relies on the city's entitlement funds to maintain long-term reporting and accountability beyond the initial three years, ensuring its sustainability.

Measurements used to track progress and evaluate the effectiveness of efforts to advance racial equity within the project:

Tracking progress and evaluating the effectiveness of efforts to advance racial equity within the project is essential to ensure accountability and success. The following are measurements and evaluation steps to be implemented using the existing systems and annual monitoring procedures of the City of Auburn:

Demographic Data Collection:

HUD-approved methods for collecting and reporting demographic data from tenants and homebuyers during the application process will create a composition baseline. This data regularly includes information on race, ethnicity, and income level. This data is collected in a non-intrusive and privacy-conscious manner, following relevant regulations and guidelines.

Analysis of Tenant Demographics:

As part of the City's annual HUD reporting requirement, this data will be regularly analyzed to assess the income, racial, and ethnic composition of residents within the project. Any measurable disparities or inequities identified in the report will provide additional analysis of the reasons behind them.

DRAFT

Outreach and Engagement Metrics:

Tracking the effectiveness of outreach efforts aimed at attracting a diverse applicant pool will be used to evaluate the success of engagement initiatives that promote the project within underserved communities.

Resident Satisfaction Surveys:

The city will conduct regular resident satisfaction surveys to gather feedback from residents about their experiences within and around the project. This includes questions about the sense of belonging, inclusion, and satisfaction with the living environment to gauge the project's impact on racial equity.

Accessible Communication Channels:

The city and developer will ensure that communication channels are accessible and inclusive to residents of all backgrounds. This will be done by monitoring engagement and participation rates in community meetings, workshops, and feedback sessions to assess inclusivity.

Complaints and Grievance Tracking:

The city will establish a system for tracking and addressing complaints or grievances related to racial equity issues within and around the project. These complaints will be used to analyze trends and patterns in complaints and resolutions to identify areas for improvement.

Partnerships and Collaborations:

The multiple partners within this project will measure the impact of these community service providers and collaborations, focusing on racial equity, social justice, and affordable housing. The engagement of residents will be used to track outcomes, joint initiatives, and community-driven projects resulting from these partnerships.

By implementing these measurement and evaluation steps within the existing systems and annual monitoring procedures, the City of Auburn can ensure ongoing accountability and demonstrate a commitment to advancing racial equity within the affordable housing project.

iv. Affirmative Marketing

To assure compliance with Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and affirmatively market the housing, services, and benefits provided within this project, it's important to outline specific methodologies and strategies for achieving this goal. The following processes will be utilized to encourage and equitably attract tenants:

DRAFT

Rental Unit Marketing and Lease-Up Process:

The rental unit marketing and lease-up process will be designed to ensure equitable access to housing for all demographic groups, particularly those who may be unlikely to apply without specific outreach efforts. Our approach will include:

- **Comprehensive Outreach:** We will conduct outreach through various channels, including local newspapers, online platforms, community organizations, and social media. These advertisements will highlight the availability of rental units and emphasize our commitment to fair and equal housing opportunities.
- **Multilingual Materials:** All marketing materials, including brochures and online listings, will be available in multiple languages commonly spoken in the community to accommodate diverse linguistic backgrounds.
- **Inclusive Language:** Advertisements will use inclusive and non-discriminatory language to welcome individuals of all backgrounds. We will explicitly state our commitment to complying with fair housing laws.
- **Accessibility:** Marketing materials will be designed to be accessible to individuals with disabilities, including providing information in alternative formats upon request.

Single-Family Units Advertised for Sale Process:

The process for advertising single-family units for sale will incorporate similar principles to the rental unit process, focusing on ensuring equitable access to homeownership opportunities.

- **Broad Outreach:** We will advertise the availability of single-family units through various platforms, including real estate listings, open houses, and community events. These advertisements will stress our dedication to fair and equal access to homeownership.
- **Cultural Sensitivity:** Our marketing materials will reflect cultural diversity and sensitivity to the needs of different communities within the area.
- **Financial Counseling:** We will offer resources and referrals for financial counseling to potential homebuyers to help them navigate the mortgage application process and understand their rights under fair housing laws.

Duplex Units Advertised for Sale Process:

The marketing and sale process for duplex units will mirror the approach used for single-family units, focusing on inclusivity and equity in homeownership opportunities.

- **Equitable Access:** We will actively promote the availability of duplex units to a diverse range of potential buyers, emphasizing equal access and opportunity for all.
- **Educational Workshops:** We will organize educational workshops and seminars to inform potential buyers about the advantages of duplex ownership, including rental income opportunities.

DRAFT

Culturally Appropriate Mortgage Lending Advertising Process:

To ensure culturally appropriate advertising for mortgage lending, we will collaborate with local lending institutions to implement the following strategies:

- **Translation Services:** Partner with translators to provide mortgage information in languages spoken by diverse communities in the area.
- **Cultural Competency Training:** Ensure mortgage lending professionals are trained in cultural competency to effectively serve a diverse clientele.
- **Community Engagement:** Connect with local community organizations and leaders to build trust and provide culturally appropriate mortgage lending information.

By implementing these methodologies, we aim to affirmatively market our housing and services while upholding the principles of the Fair Housing Act, promoting equal access to housing, and embracing the diversity of our community.

DRAFT

B. THRESHOLD AND OTHER SUBMISSION REQUIREMENTS EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit B: Threshold Requirements and Other Submission Requirements

The City of Auburn is the applicant and has a valid and active registration on Sam.gov with a Unique Entity Identifier (UEI) # T33MAJLE1MJ3. Additionally, the city has no ongoing civil rights matters and will provide for a timely application.

i. Eligibility of Applicant

The City of Auburn, as the applicant, is a qualified unit of local government with experience administering Community Development Block Grant entitlement funds as well as HOME Investment Partnership Funds from the U.S. Department of Housing & Urban Development.

ii. Eligible Activities funded with grant funds

The City of Auburn will use grant funds only for the eligible activities below pursuant to section 105 (a) of the Housing and Community Development Act of 1974 and applicable program regulations at 24 CFR part 570 as applied and modified by the PRO Housing NOFO:

NOFO Section F-2 © i - Planning and policy activities supporting affordable housing:

- D: Developing new incentive programs for affordable housing development
- E: Expanding existing affordable housing incentive programs to broader geographies, including high-opportunity neighborhoods
- G: Establishing incentive programs or flexibilities to enable and promote the adaptive reuse of vacant or underutilized properties for housing or mixed-use development
- S: Developing regional planning models that enhance location efficiency by focusing on connecting housing, transportation, and economic growth
- T: Providing affordable housing developers a first look at tax sale properties and other government properties
- V: Developing proposals for policies that incentivize mixed-income development, such as the inclusion of affordable units in market-rate properties

NOFO Section F-2 © ii - Development activities:

- A: Financing the construction or rehabilitation of affordable housing
- B: Acquisition or disposition of land or real property for the development of affordable housing
- C: Facilitating the conversion of commercial or other properties to new housing
- D: Establishing or assisting a Community Development Financial Institution (CDFI) to carry out financing strategies
- E: Providing large-scale technical assistance to affordable or non-profit developers, community land trusts, or other entities, which leads to the development of affordable housing

DRAFT

NOFO Section F-2 © iii - Infrastructure activities:

- A: Installing new utilities and/or infrastructure improvements necessary for the development or preservation of affordable housing
- B: Upgrading existing utilities or improvements to increase an area's overall capacity for new housing
- C: Establishing tax-increment financing districts to fund infrastructure improvements or affordable housing development, especially those that incentivize affordable housing development
- D: Increasing community resiliency by investing in infrastructure improvements and nature-based solutions to mitigate the impacts of disasters, natural hazards, and extreme weather to make areas suitable for new affordable housing investment
- E: Investing in neighborhood amenities that benefit low-and-moderate income residents, such as parks, community centers, bike lanes, and improvements to the physical environment that increase public safety, such as streetlights or sidewalks

DRAFT

C. DEMONSTRATION OF NEED EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit C: Demonstration of Need

The State of Maine Housing Production Needs Study published in October 2023 quantified the historic underproduction of housing for the Central Western Maine region. The cities of Lewiston & Auburn represent the second largest urban population in the region. This study indicates a housing shortfall of 22,700 to 24,700 units to meet future demand. This annualized number represents a needed increase of 150-170% new units created over current production rates.

Table 1: Historic Underproduction and Future Need by Region

Region	*Historic Underproduction*	*Future Need (2021 – 2030)*	*Total*
Coastal	21,200	24,200 – 28,000	45,400 – 49,200
Central Western	13,000	9,700 - 11,700	22,700 – 24,700
Northeastern	4,300	4,000 - 6,100	8,300 – 10,400
Maine	**38,500**	**37,900 - 45,800**	**76,400 – 84,300**

The need for greater availability of affordable housing in our region is evident as Auburn's population grows at a rate of 0.42% per year, with a 1.26% increase (303 people) between 2020-2022 and a poverty rate of 12.1% in 2020 (a 6.6% 1-year increase). Inflation and population growth from 2019-2022 have created a severe housing shortage.

ESRI data for 2023 to the right demonstrates that 70% of the housing (2,251 units) located within the three downtown Auburn census tracts was constructed before 1940. This means over two-thirds of the urban core housing lacks modern accessibility and efficiency.

75% of these units are rentals, and over 50% of them are to households making less than $35K per year. A disproportionate number of low-income renters within Auburn live in antiquated, inefficient, and lead-contaminated housing.

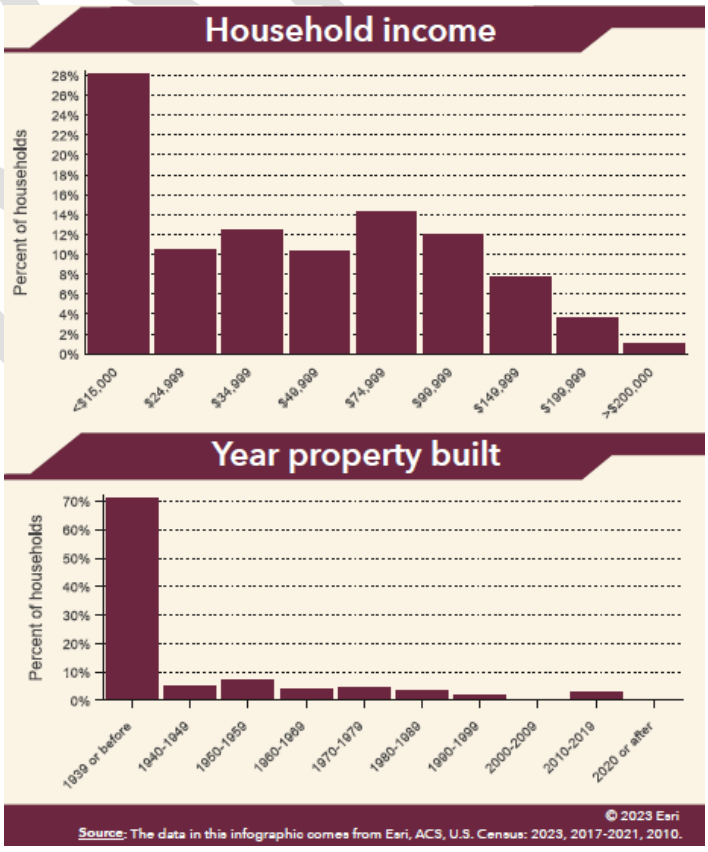


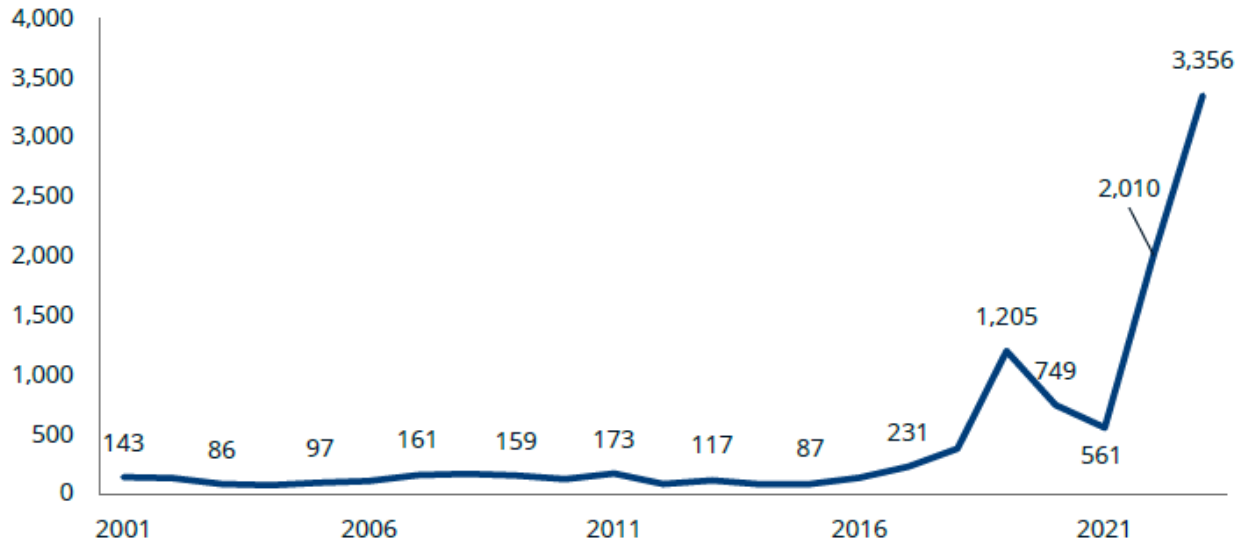
Table 2: Annualized Production Needs Compared to Annual Building Permits by Region

	Total Annual Production Need	*5-year average (2016 - 2021)*	*% Change in Permits*	*Net Change in permits*
Coastal	**5,100 – 5,500**	3,400	**50% - 62%**	**1,700 – 2,100**
Central Western	**2,500 – 2,700**	1,000	**150% - 170%**	**1,500 – 1,700**
Northeastern	**900 – 1,100**	400	**128% - 175%**	**510 - 700**
Maine	**8,500 – 9,300**	4,800	**77% - 94%**	**3,700 – 4,500**

Also included within the State of Maine's housing needs report is the most accurate measurement of asylum seekers settling in Maine. The notice-to-appear filings (a proxy for the total number of asylum seekers in Maine) indicate an increase of over 3,000 cases per year from 2018 to 2023.

This rising trend of locating asylum seekers and new Mainer minority populations within the existing urban core is the result of an economic system that reinforces existing housing disparities. As established above, these urban core neighborhoods where rents are more affordable are already contributing to the systematic concentration of low-income residents and minority populations within older, inefficient, lead-contaminated housing stock.

Figure 9: Total Individual Notice-To-Appear Cases Filed, 2001 - 2023

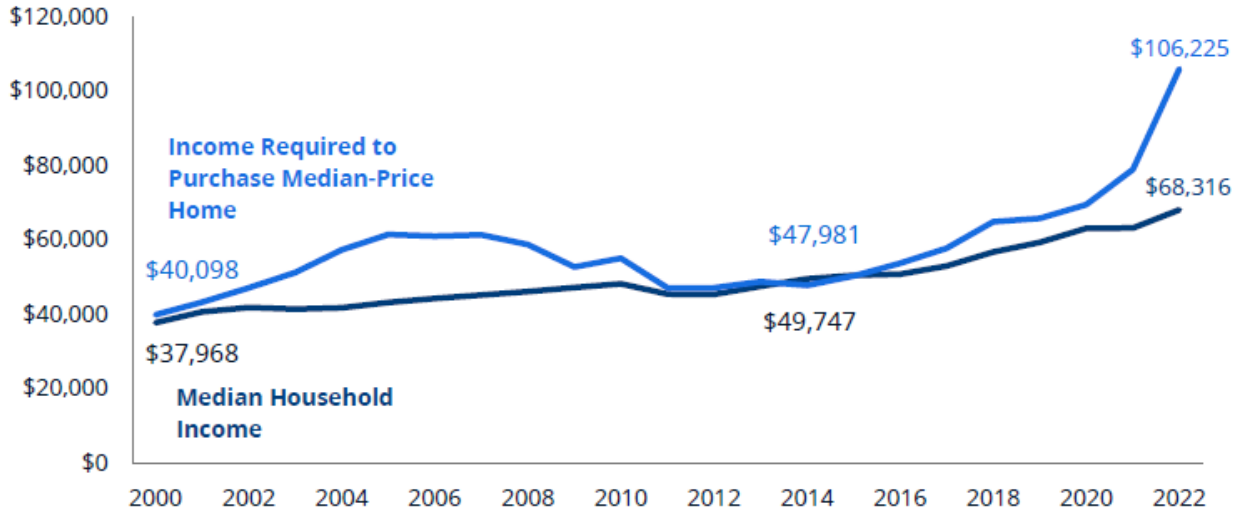


Source: TRAC New Proceedings Filed in Immigration Court; Notice to Appear Deportation Cases 2001 – 2023

Lastly, the pressure on housing affordability caused by the historic underproduction of units and the recent influx of new residents has created a spike in housing prices that has yet to subside. The 2022 Homeownership Housing Facts and Affordability Index published by Maine State Housing Authority demonstrates a 13% increase in the median single-family home price from 2021 to 2022.

This means the previous home price of $295,000 rose to $334,000 in just one year. This number is still dramatically higher than the HUD-established Housing Trust Fund sale price maximum of $206,000. The graphic provided below by Maine State Housing Authority demonstrates the purchasing capacity of Maine residents compared to the median household income. This disparity is another data point indicating the need for new, affordable housing production for Maine homebuyers, not just renters.

Figure 29: Purchasing Capacity Over Time, 2000 - 2022[23]



Source: MaineHousing 2022

Several key factors underscore the urgency of addressing this issue:

1. **Rising Housing Costs:** The escalating costs of homeownership and rental properties have placed a significant burden on low- and moderate-income households. Many families struggle to secure safe and stable housing that aligns with their financial means.
2. **Income Disparities:** Income disparities persist in our community, resulting in a widening gap between housing affordability and the financial capacity of a substantial portion of our population. This inequality threatens the social fabric of our region and hampers opportunities for economic mobility.
3. **Limited Housing Availability:** The supply of affordable housing units has not kept pace with the growing demand. This shortage has created a highly competitive housing market, leaving vulnerable populations at risk of homelessness or housing instability.
4. **Community Stability:** Access to affordable housing is integral to maintaining community stability. Affordable housing options enable individuals and families to establish roots, fostering a sense of belonging and contributing to the overall health and resilience of our neighborhoods.

5. **Employment Opportunities:** Affordable housing supports local economies by ensuring a diverse workforce can remain in the area. By addressing the housing affordability crisis, we can better attract and retain skilled workers, benefitting both employers and employees.
6. **Social Well-being:** The lack of affordable housing options adversely affects our residents' physical and mental well-being. Stable and affordable housing is a fundamental pillar of individual and family health.
7. **Reducing Homelessness:** By investing in affordable housing initiatives, we can take proactive steps to reduce homelessness and alleviate the strain on emergency shelter systems, healthcare resources, and public safety services.
8. **Community Resilience:** Access to affordable housing is vital in times of crisis, such as natural disasters or economic downturns. It ensures that our community remains resilient in the face of unexpected challenges.

In light of these pressing concerns, our commitment to creating affordable housing opportunities is not only a moral imperative but also a strategic investment in our region's long-term prosperity and well-being. Addressing the need for affordable housing is a critical step toward building a more inclusive, equitable, and sustainable community.

i. Efforts to identify, address, mitigate, or remove barriers to affordable housing production

The City of Auburn has taken significant steps to address the affordable housing crisis through innovative approaches. These efforts include approving Accessory Dwelling Units in city zoning, creating new housing options and rental income opportunities for middle- and low-income residents. These initiatives have gained recognition in "The YIMBYest City in America" article published by Discourse Magazine on May 18, 2022. The city has also faced challenges related to NIMBYism, as highlighted in the Maine State Housing Authority's 2019 Analysis of Impediments to Fair Housing Choice report. These zoning changes have sparked extensive community discussions, with residents expressing both support and concerns about their impact on traditionally single-family neighborhoods. This "Zone Defense" reaction reflects the ongoing challenges identified by MSHA in their analysis of Fair Housing Choice impediments.

Specific actions the City has already taken are summarized below:

Policy Review and Reform: Auburn's 2021 Comprehensive Plan Update exemplifies a visionary approach to sustainable growth. Our goal is to expand thoughtfully from our historic city cores, fostering vibrant neighborhoods that define our identity. We are dedicated to efficiently maximizing land usage and services, preserving neighborhood character, and ensuring resources for current and future residents. Auburn is committed to strengthening community bonds, seizing opportunities, and pursuing growth with environmental conservation as an integral part of our identity.

DRAFT

Streamlined Permitting Processes: Red tape has historically hindered housing production and steered investments away from our community, potentially exacerbating vehicle miles traveled and promoting housing segregation. The City of Auburn is actively addressing these challenges by streamlining our regulatory processes, making them faster, more cost-effective, and more predictable than other jurisdictions. Here are some key initiatives:

1. **Coordinated One-Stop Experience:** The city offers a seamless, one-stop experience for project development, including initial discussions, site location assistance, and incentives to overcome obstacles. Our local and State delegated permit reviews come at a fraction of the usual State fees, with an average turnaround time that is only 25% of what developers would encounter elsewhere.
2. **Form-Based Code Districts:** In designated areas and preapproved industrial or commercial subdivision lots, the city provides swift staff-level approvals for most uses, ensuring efficient site development. If a project encounters challenges, staff are committed to working alongside you to find solutions.
3. **Veteran Homeowners and Businesses:** The city has eliminated permit fees for veteran homeowners and slashed them in half for veteran-owned businesses, honoring and supporting those who have served our country.
4. **Competitive Permitting Fees:** Auburn boasts the lowest permitting fees among major cities in the State. For instance, the permit fee for a new single-family home is as low as $25.00, making our community highly cost-competitive.
5. **Private Investor Partnerships:** Our city collaborates with private investors eager to build tailored solutions for solid tenants and industry clusters, offering more opportunities for growth.

Investors are taking notice of these efforts. External factors, such as the rise in remote work opportunities and the appeal of living in Auburn with its abundant recreational options, have driven increased demand for housing within the city and the State as a whole. Additionally, pricing and regulatory changes in other parts of the State have made these streamlined processes even more attractive and competitive in the housing market.

Inclusionary Zoning: Our 2021 Comprehensive Plan Update recognized that traditional residential zoning presented a significant challenge to fostering diverse housing options within desirable neighborhoods. Conventional zoning practices had historically segregated single-family homes from rental and condominium-style housing, often relegating rentals to commercial zones. The city sought to dismantle this practice and promote a more inclusive approach, allowing people to reside together in various housing types.

To achieve this, we drew inspiration from form-based codes and initiated substantial changes to our residential zoning regulations. These revisions now permit a broad spectrum of residential and community uses, with a density allowance of up to 16 units per acre in areas equipped with utility infrastructure and pedestrian accessibility.

DRAFT

Our next endeavor is to extend the reach of infrastructure to the outskirts of urban areas, creating opportunities for housing development at an efficient density. Simultaneously, we remain committed to preserving connectivity to essential amenities, high-quality recreational spaces, open areas, and community gathering points. This holistic approach ensures that our community thrives with diverse housing options while maintaining access to the essentials that enrich our residents' lives.

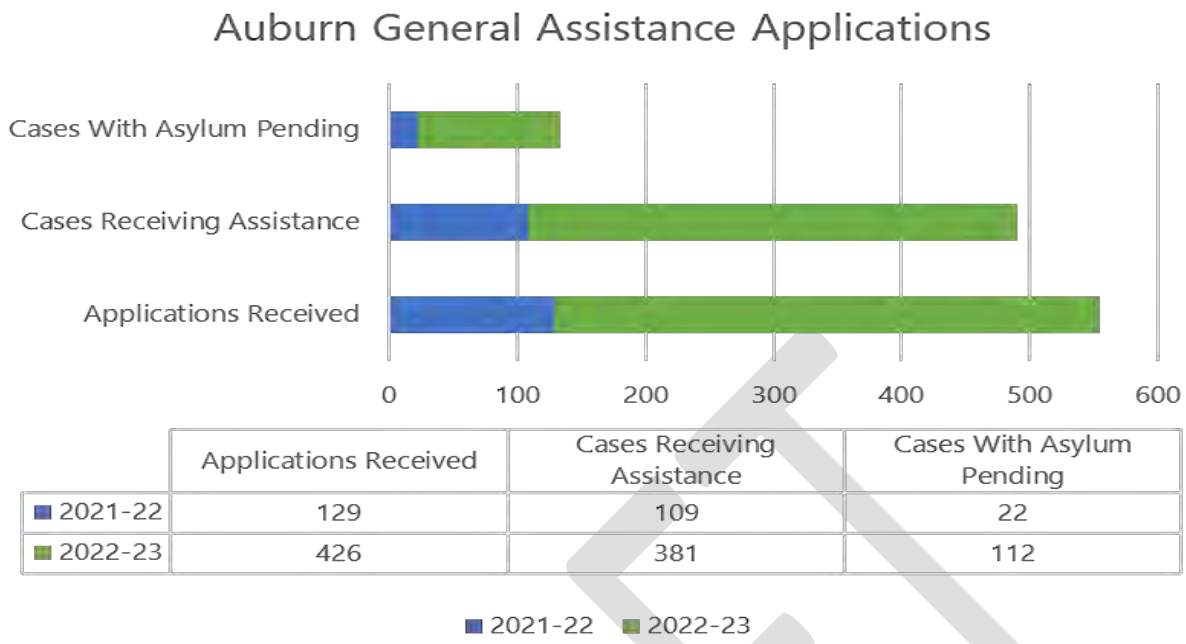
1. **Financial Incentives:** Providing financial incentives, such as tax credits, grants, or subsidies, to developers and builders who commit to constructing affordable housing units can stimulate production.
2. **Partnerships:** Collaborations between government agencies, nonprofits, and private developers can effectively pool resources and expertise to address affordability challenges.
3. **Mixed-Income Development:** Promote mixed-income housing developments that integrate affordable units within market-rate projects to avoid creating concentrated areas of poverty.
4. **Tenant Protections:** Enforce tenant protections to prevent unjust evictions and ensure renters have stable housing options.
5. **Housing Vouchers:** Expand housing voucher programs to help low-income individuals and families afford rental housing in the private market.

By implementing these strategies and considering the local context, communities can work towards removing barriers and increasing the production of affordable housing, ultimately improving housing affordability for their residents.

ii. Demand for affordable housing

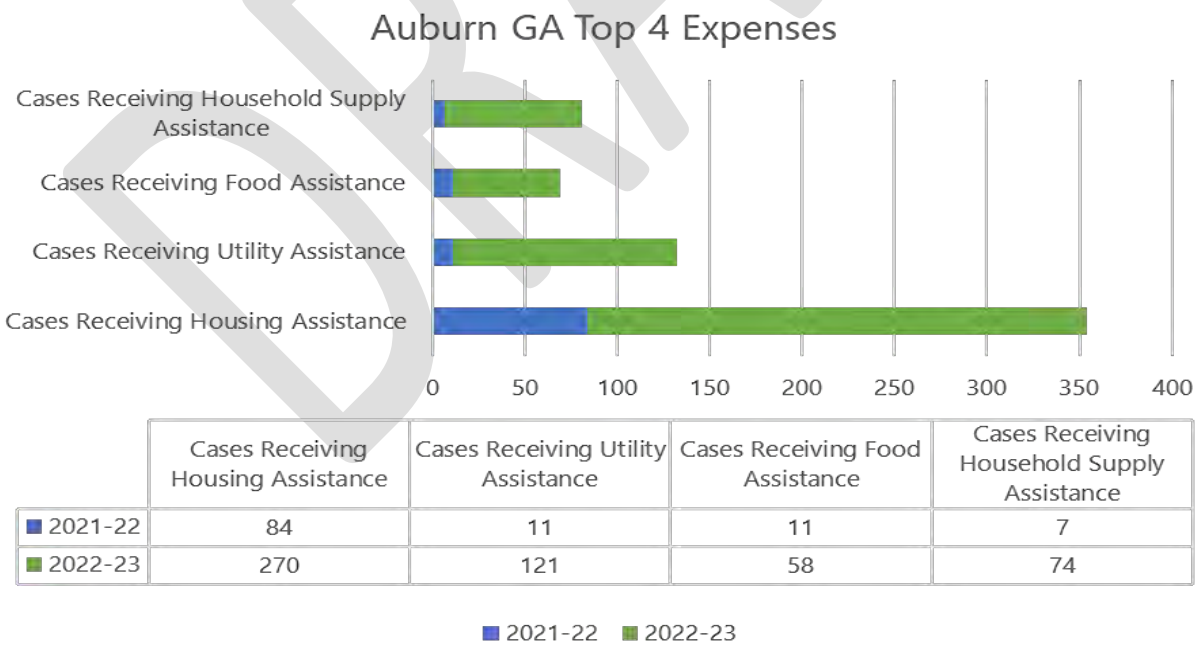
Efforts to house previously uncounted homeless populations and an influx of asylum seekers have further depleted affordable housing options. The Auburn General Assistance Office has seen a 509% increase in asylum-seeking cases, accommodating 112 cases recently. Local data from two pandemic-operated emergency shelters, the Lewiston Ramada Inn and the Lewiston Armory, reveal the catch-basin effect of homeless services in the Lewiston-Auburn MSA. These shelters housed 213 individuals, with 60% from Lewiston, 20% from Auburn, and 20% from outside the jurisdiction.

DRAFT



	Applications Received	Cases Receiving Assistance	Cases With Asylum Pending
2021-22	129	109	22
2022-23	426	381	112

The report also highlights the city's use of American Rescue Plan Act (ARPA) funds for the Project Support You (PSY) program. These funds provided a dedicated staff position with mental health and substance abuse expertise to co-respond directly with Auburn police and fire departments to triage care during rescue calls. In the first seven months, staff, in collaboration with Tri-County Mental Health, served 263 homeless Auburn residents.



	Cases Receiving Housing Assistance	Cases Receiving Utility Assistance	Cases Receiving Food Assistance	Cases Receiving Household Supply Assistance
2021-22	84	11	11	7
2022-23	270	121	58	74

HUD defines cost-burdened families as those paying over 30% of income for housing, while severe rent burden refers to those paying over 50%. Before COVID, 29% of Auburn residents were cost-

DRAFT

burdened. Current numbers are likely higher due to rising rents, although updated data is challenging to obtain.

Auburn Income Distribution by Tenancy*						
	Owners	Owners %	Renters	Renters %	Total	% of Pop
Household Income Less than 30% HAMFI	260	4.5%	1140	24.8%	1400	13.4%
Household Income 30-50% HAMFI	525	9.0%	1070	23.2%	1595	15.3%
Household Income 50-80% HAMFI	795	13.6%	1265	27.5%	2060	19.7%
Sub total under 80% HAMFI	**1580**	**27.1%**	**3475**	**75.5%**	**5055**	**48.4%**
Household Income Over 80% HAMFI	4255	72.9%	1130	24.5%	5385	51.6%
Total	**5835**		**4605**		**10440**	
Housing Cost Burden (as a percentage of income)*						
Cost Burden greater than 50%	540	9.3%	905	19.7%	1445	13.8%
Cost Burden 30-50%	665	11.4%	955	20.7%	1620	15.5%
Sub total Cost-Burden	**1205**	**20.7%**	**1860**	**40.4%**	**3065**	**29.4%**
Cost Burden less than 30%	4630	79.3%	2745	59.6%	7375	70.6%
Total	**5835**		**4605**		**10440**	
*Comprehensive Housing Affordability Strategy (CHAS) data date :2015-2019 ACS						

Fair Market Rents (FMR) for Existing Housing						
	SRO	0BR	1BR	2BR	3BR	4BR
Lewiston-Auburn MSA*	$560	$747	$834	$1,060	$1,393	$1,567
Auburn Housing Authority 2022 Rent Rate Survey		$860	$1,000	$1,496	$1,643	$2,182
Delta		**-$113**	**-$166**	**-$436**	**-$250**	**-$615**
	*Maine State Housing Authority (MSHA) effective: 10/2/2022					

Auburn Affordable Housing Options				
	Units	% of Units		
MSHA Income-based & Rent restricted	813	17.7%	Total Renters under 80% HAMFI	3475
AHA Housing Choice Vouchers (HCV)	400	8.7%	Total Affordable Rental Units	1213
Sub Total of Affordable	**1213**	**26.3%**	**Unmet Needs=**	**2262**

Based on the most recent American Community Survey, over 48% of Auburn's population falls under 80% AMI, making them eligible for rental assistance through the HOME Investment Partnership Program, as calculated by HUD's HAMFI. Of the available affordable housing options that Maine State Housing Authority & Auburn Housing Authority provided, the table above demonstrates a shortfall of 2,262 additional units.

Additionally, the average cost of Housing Choice Vouchers in Auburn has increased during the past 5 years the most (75%) among all PHAs in Maine. This rate is among the highest increases in the country, further demonstrating the gap between what households in Auburn can afford to pay and what the prevailing market rental rates are.

In a WMTW Channel 8 news special feature aired on September 18, 2023 (https://www.wmtw.com/article/maines-housing-crisis/45087545), reporters identified a larger state-level affordable housing crisis. This report used census data to qualify over 75% of the current renters nationwide as being cost-burdened as defined by U.S. Department of HUD thresholds. In Maine, this is reflected in the State of Maine's housing needs report. This report, published in October of 2023, finds both demand-side drivers comprised of sudden in-migration caused by COVID-19 and a declining labor force caused by aging households as key contributors to rising housing costs and reduced absorption rates.

iii. Key barriers to producing affordable, accessible housing

The WMTW report referenced above quantified that, with rising construction costs and related interest rates, the new median home price in Maine is $334,000 (a 7.43% increase). This means a household needs an income of over $106,000 to buy a home. With a median income of only $66,000 per year, 72% of Mainers are now priced out of the homeownership market. These data points have again been supported by the new State of Maine Housing needs report. This report identifies multiple supply-side drivers, namely historic low housing production rates caused by increased material costs and higher costs related to the necessary capital to facilitate these developments.

Rising interest rates and labor costs have contributed to the widespread grinding halt of housing production. As interest rates rise, the cost of capital gets more expensive, and investors' economic incentives are decreased. Multiple housing projects within Maine have recently seen investors pull out as the private savings and bond market returns have increased and effectively surpassed the value of real estate development yields. This has caused many developers and projects to seek new and more creative capital stack compositions in order to proceed.

Additional resource restrictions on the municipal side have also contributed. As municipal budget requirements related to General Assistance, police, and first responders have increased sharply in response to the COVID-19 & homelessness crisis, there are fewer available funds and staffing capacity to invest in long-term housing solutions. This is a widespread governmental stressor in which responding to today's crisis severely limits the development of tomorrow's solutions.

DRAFT

D. SOUNDNESS OF APPROACH EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit D: Soundness of Approach

i. Project Vision

Our project envisions the creation of a harmonious and vibrant mixed-use residential development that seamlessly integrates into the natural beauty of its surroundings. Nestled within this thriving community, residents will experience a unique blend of modern living, outdoor exploration, and environmental stewardship.

Residential Excellence: At the heart of our vision lies a diverse array of thoughtfully designed residential units, including single-family homes and apartments, catering to a variety of lifestyles and needs. These residences will provide shelter and foster a sense of belonging and community, encouraging residents to forge lasting connections with their neighbors.

Unspoiled Natural Beauty: We are committed to preserving the pristine natural environment that characterizes this locale. Our project will set aside extensive conservation land and green spaces, ensuring that the region's ecological richness remains untouched for generations to come. Residents will have the privilege of living in harmony with nature, fostering an appreciation for the environment.

Recreational Oasis: The development will feature an extensive network of walking trails carefully woven into the landscape, inviting residents to explore and connect with the great outdoors. These trails will offer serene pathways for leisurely strolls, invigorating hikes, and moments of quiet reflection. We envision a community where every resident can relish the rejuvenating power of nature right at their doorstep.

Environmental Education Hub: A pivotal aspect of our project is the establishment of an outdoor environmental learning facility where residents and the wider community can deepen their understanding of the natural world. This center will serve as a beacon of environmental education, fostering a culture of sustainability and responsible living.

Conservation in Action: We view our project not only as a residential haven but as a testament to responsible development. Through our conservation efforts and sustainable practices, we aspire to set a standard for environmentally conscious living, inspiring similar initiatives across the region.

Our project's vision is a harmonious synthesis of modern living, environmental preservation, and community enrichment. It is our aspiration that this development will not only provide homes but also nurture a thriving, sustainable, and interconnected community where residents live in harmony with nature while enjoying the conveniences of modern life.

ii. Geographic scope

This project has a scope of impact well beyond the city of Auburn. As detailed in the WMTW data referenced above, the lack of affordable housing, especially homeownership opportunities, is a statewide issue. Additionally, the report documented over 1,000 new

DRAFT

asylum seekers who have been housed by the city of Portland this year. Portland regularly houses General Assistance cases in Auburn, as a lack of available units in Portland. The City of Auburn General Assistance program saw a 330% increase in local need for housing assistance for those earning less than $746 per month. Of the 426 applications received in the last 12 months, 112 were asylum-related cases, demonstrating a 509% increase in asylum seekers moving to the city.

Therefore, it is essential to consider the catch-basin effect of new housing creation. Any new housing may indeed attract residents from outside of Auburn who are seeking greater accessibility to the resources of Auburn's economic centers or employment opportunities. These new residents represent not only the wider geographic scope of this project but also a wider applicability of time. Without considering future growth capacity and the interests of the soon-to-be residents, any fixation on current or "traditional" Auburn identities, traits, or neighborhood characteristics would be a continuation of a system that historically excludes large portions of the population from the equal and equitable access to housing that the present need dictates.

iii. Key stakeholders and Engagement

In addition to the listed project partners, which already constitute a broad cross-section of government, private, and nonprofit service providers, engaging key community stakeholders is crucial for the success of your affordable housing project. Here's a list of key stakeholders and strategies for engaging them:

Local Government Officials:

Engage with city council members, mayors, and other local government officials to gain their support and keep them informed about the project's progress. Attend city council meetings and participate in public hearings on affordable housing initiatives.

Collaborate with relevant city departments, such as the planning and housing departments, to ensure alignment with city goals and regulations.

Community Residents and Neighborhood Associations:

Establish open lines of communication with residents in the project area and nearby neighborhoods.

Organize community meetings and town halls to share project updates, address concerns, and gather input from community members.

Collaborate with neighborhood associations and residents to create a sense of ownership and inclusion in the project.

3. Nonprofit Organizations and Advocacy Groups:

Partner with local nonprofits, housing advocacy groups, and civil rights organizations to leverage their expertise and resources.

DRAFT

Seek input and guidance from these organizations on equitable housing practices and fair housing policies.

Explore potential funding opportunities and support from these groups.

Education and Workforce Development Programs:

Collaborate with local educational institutions and workforce development programs to provide training and employment opportunities for residents.

Support initiatives that enhance residents' skills and employment prospects, ultimately promoting economic stability.

Community-Based Service Providers:

Connect with organizations providing social services, childcare, healthcare, and other essential services.

Explore partnerships to offer on-site or nearby services for project residents.

Enhance the overall quality of life for residents through these partnerships.

Public Engagement and Media:

Develop a comprehensive public engagement strategy that includes media outreach, press releases, and social media campaigns to raise awareness about the project.

Ensure accurate and positive coverage of the project's goals and progress.

Engaging these key stakeholders will help build a strong foundation of support, expertise, and collaboration, making it more likely for your affordable housing project to succeed in advancing racial equity and fair housing goals. Regular communication, transparency, and active involvement of stakeholders throughout the project's lifecycle are essential for its success.

iv. Affirmatively furthering fair housing

Affirmatively furthering fair housing and promoting racial equity in a mixed-use residential development with walking trails and conservation land can be achieved through a deliberate and thoughtful approach. Here's how this project can contribute to these important goals:

Diverse Housing Options: By offering a range of housing types, including single-family homes, duplexes for larger families, and apartments for smaller families and individuals, the project can attract a diverse population. This inclusivity is essential for affirmatively furthering fair housing, as it ensures that people from various racial and economic backgrounds have equal access to housing options that suit their varying needs.

Accessible Amenities: The project's commitment to pedestrian infrastructure and recreational spaces, such as biking and walking trails, along with community gathering

areas, creates accessible amenities for all residents. These spaces can be designed to accommodate people with different mobility needs, promoting inclusivity.

Equitable Pricing and Affordability: Implementing affordability measures, such as income-restricted units or partnerships with affordable housing organizations, can make housing within the development accessible to a broader range of income levels. This approach helps address historical disparities in housing access and affordability.

Inclusive Community Engagement: Engaging residents from diverse backgrounds in the decision-making process for the project, including design, amenities, and services, ensures that the development aligns with the needs and preferences of all community members. This participatory approach fosters a sense of ownership and equity.

Education and Awareness: Establishing an outdoor environmental learning facility within the development can serve as a platform for educational programs on environmental stewardship, sustainability, and equity. This facility can be used to raise awareness about the importance of fair housing and racial equity in the context of community development.

Anti-Discrimination Policies: Enforcing anti-discrimination policies and fair housing laws within the development, along with offering resources for reporting violations, ensures that all residents are treated equitably and without prejudice.

Cultivating a Diverse Community: By promoting diversity and inclusion in marketing and outreach efforts, the project can attract a broad spectrum of residents, contributing to a racially diverse and integrated community.

The project's commitment to providing equitable access to housing, amenities, and educational opportunities, combined with proactive measures to address historical disparities, can affirmatively further fair housing and promote racial equity within the development and the broader community. This approach sets a positive example for future developments and contributes to a more just and inclusive society.

v. Budget and Timeline

The expected budget expenses and sources are detailed within the attached HUD 424-CBW. As stated previously, the primary use of PRO Housing grant funds would be to install the essential roads and utilities for the construction of an entirely new neighborhood. These funds are critical to the timely completion of these vital housing units. Traditional city funding or Tax Increment financing models rely heavily on the ability of developers to fund these public utilities upfront. This is not only more challenging in an expensive construction market but is prohibitive to new developers, specifically women and minority-owned businesses that do not possess the capital or credit required to fund the entirety of a project this size.

Financial contributions include but are not limited to the property value of the city-owned real estate, the future Tax Increment Financing project costs to cover ongoing childcare and other community services, as well as private capital contributions from the developer

and Androscoggin bank for the development and the permanent financing options for the homeowners.

Detailed Description of Budget				
Analysis of Total Estimated Costs			**Estimated Cost**	**Percent of Total**
1	**Personnel (Direct Labor)**		$439,400	1.0%
2	**Fringe Benefits**		$290,004	0.6%
3	**Travel**		$0	0.0%
4	**Equipment**		$0	0.0%
5	**Supplies and Materials**		$0	0.0%
6	**Consultants**		$0	0.0%
7	**Contracts and Sub-Grantees**		$3,400,000	7.4%
8	**Construction**		$42,008,000	91.0%
9	**Other Direct Costs**		$0	0.0%
10	**Indirect Costs**		$0	0.0%
	Total:		**$46,137,404**	**100.0%**
	Federal Share:		**$9,500,000**	
Match (Expressed as a percentage of the Federal Share):			**79.4%**	

Detailed Sources of Funds				
			Estimated Contribution	**Percent of Total**
1	**HUD Share**		$9,500,000	20.6%
2	**Applicant Match**		$4,129,404	9.0%
3	**Other HUD Funds**		$0	0.0%
4	**Other Federal Share**		$0	0.0%
5	**State Share**		$3,300,000	7.2%
6	**Local/Tribal Share**		$0	0.0%
7	**Other Private Financing**		$13,940,800	30.2%
8	**Program Income**		$15,267,200	33.1%
	Total:		**$46,137,404**	**100.0%**

Timeline:

1. **Pre-Development Phase (6-12 months):**
    - Land surveying and due diligence
    - Architectural and engineering planning
    - Permitting and approvals
    - Securing financing
2. **Infrastructure Construction Phase (12-24 months):**
    - Site preparation and infrastructure development
    - Site clearing and layout
    - Installation of public right of ways and installation of utilities
3. **Residential Construction and Lease-Up Phase (12-36 months):**
    - Construction of phased multi-unit and residential construction
    - Marketing and advertising efforts
    - Application intake and processing
    - Lease-up and occupancy
4. **Ongoing Operations and Resident Services (36+ months):**
    - Property management and maintenance
    - Resident services and community programs
    - Regular monitoring and evaluation
5. **Compliance and Reporting (20 years):**
    - Ongoing fair housing compliance monitoring
    - Regular reporting to funders and stakeholders

DRAFT

E. CAPACITY EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit E: Capacity

i. City and Partner Capacity & Staffing Plan

City Staff:

The project will be overseen by the City of Auburn's Business & Community development Director and their designated staff. This grant will be managed directly by the Deputy Director of Business & Community Development and well as the Financial Compliance Manager, both of which have experience managing HUD entitlement funds. Additional support will be provided by the Directors of Transportation Systems, Capital Investment, Planning & Permitting as well as their required staff to complete extra technical assistance to the developer during the design, approval, and construction process. City staff capacity and a staffing plan are essential components of successfully managing and overseeing this housing project. As demonstrated within the included 424-CBW, key city staff are included in this project and will be covered by existing city and entitlement funding for the duration of the construction and monitoring period.

Homes For All, LLC:

Fatuma Hussein, an Auburn resident with a strong history in addressing housing disparities by providing translation and social services. Fatuma has played a pivotal role at the Immigrant Resource Center of Maine, offering culturally and linguistically sensitive support to refugee and immigrant communities in Maine. Fatuma founded Homes For All, LLC and employs an advisory council of experienced housing developers with backgrounds in non-profit as well as for-profit housing development.

Advisory Team:

- **Dana Totman** – Affordable Housing & non-profit leader with 40+ years' experience addressing community challenges around housing. Previous roles include:
  - President & CEO of Avesta Housing 2000-2022
  - Deputy Director of Maine State Housing Authority 1994-2000
- **Kevin Bunker** – Specialization in housing development financing, permitting & project Management. Previous roles include:
  - Principal of Developers Collaborative 2007-2023
  - Assistant Planer at City of Rockland 2003-2006
- **Genesis Community Loan Fund -** Agency providing Technical Assistance to Maine communities including municipalities, community groups, private developers, and cultural organizations that have an interest in creating affordable housing.

YMCA of Auburn-Lewiston

The YMCA of Auburn-Lewiston will open, staff, furnish, and operate at its own cost a full-service Early Childhood Education Center at the proposed housing community center. Priority will be given to residents in the proposed Winter Oaks Housing Development. Licensing, staff training, and initial start-up costs are expected to be between $40,000 and $60,000. The YMCA of Auburn-Lewiston will provide these funds as an in-kind donation to the project.

DRAFT

Androscoggin Land Trust (ALT)

ALT will establish and maintain a stewardship endowment fund, akin to those set up for other parcels. This fund will allow them to allocate a yearly percentage towards essential stewardship costs. They will also mobilize a dedicated network of volunteers to assist with maintenance, programming, and stewardship efforts for the Winter Oaks Parcel.

Androscoggin County Emergency Management Agency (EMA)

The Androscoggin EMA staff will provide technical assistance and training relating to the establishment and operational procedures of an emergency shelter at Winter Oaks. The Androscoggin County Emergency Management Agency supports the Winter Oaks Housing Development project recognizing its inclusion of an emergency disaster shelter with backup power generation will serve the White Oaks community and benefit the vulnerable population south of the Little Androscoggin River, enhancing community resiliency and build response and recovery capabilities for the City of Auburn.

Community Concepts Inc. (CCI)

Community Concepts Inc., and their subsidiary Community Concepts Finance Corporation, provides homebuyer educational services and home loans through our dedicated homeownership center. These programs, as well as the broader social services program which CCI provides as the predominant Community Action Program within the region, are available to residents of the proposed Winter Oaks community.

DRAFT

F. LEVERAGE EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit F: Leverage

i. Leveraged funding & Non-Financial Contributions

City Funding Sources:

The City of Auburn has committed both City funded staff time as well as HUD CDBG & HOME entitlement funds as leveraged funding as evidenced within the HUD 424-CBW to advance this project. Additional city funds for the continuation of operational subsidies come in the form of Tax Increment Finance (TIF) project costs.

Developer Funding Sources:

The developer has secured private financing lines to facilitate the initial construction expenses. Developer contribution comes in the form of program income from the sale of single-family residents & duplexes to income qualifying buyers. This funding is possible due to funding pledges by Androscoggin Savings Bank to provide culturally appropriate mortgage products to qualified buyers.

Additional developer funding resources, as evidenced by the support letter from Maine State Housing Authority, include state funded Low Income Tax Credit & Affordable Homeownership Development programs.

Child-Care Funding Sources:

The YMCA of Auburn-Lewiston has pledged up to $60,000 in licensing, staff training and initial start-up costs to provide subsidized childcare on-site to income qualifying residents.

DRAFT

G. LONG-TERM EFFECT EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit G: Long-Term Effect

i. Permanent, Long-Term & Outcomes

The long-term effects and outcomes of such a project are multifaceted, encompassing social, economic, environmental, and equity-related dimensions. By prioritizing diversity, inclusion, and sustainability, this development can create a thriving, equitable, and interconnected community that benefits residents and sets a positive example for future endeavors in the region. These positive impacts include, but are not limited to:

Diverse and Inclusive Community: Over time, the project can foster a diverse and inclusive community where residents from various racial, ethnic, and economic backgrounds live together harmoniously. This diversity enriches the social fabric of the community, promotes cross-cultural understanding, and reduces the risk of segregation.

Reduced Housing Disparities: The project can reduce housing disparities based on income and race by providing a range of housing options and affordability measures. Over the long term, this can help address historical inequalities in housing access and affordability.

Enhanced Quality of Life: Access to public art, walking trails, conservation land, and recreational spaces within the development can improve residents' quality of life. Over time, access to these amenities can lead to healthier, more active, and happier residents.

Education and Awareness: The outdoor environmental learning facility can serve as a hub for environmental education and equity awareness. Over time, this can lead to a more environmentally conscious and socially responsible community.

Positive Economic Impact: A thriving mixed-use development can have a positive economic impact on the surrounding area. As the development attracts residents and businesses, it can stimulate economic growth, create job opportunities, and increase property values.

Strong Community Connections: Over time, the project can facilitate strong community connections and social cohesion. Residents may become actively engaged in local initiatives, leading to a more resilient and empowered community.

Equitable Access to Opportunities: The project's commitment to fair housing and racial equity ensures that all residents have equitable access to opportunities, including education, employment, and recreation, ultimately contributing to improved social mobility and community well-being.

Model for Future Projects: The success of this project in affirmatively furthering fair housing and racial equity can serve as a model for future developments in the region. Other developers and communities may seek to replicate the project's inclusive approach.

DRAFT

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, Me 04210

HOMES FOR All, LLC
Est. 2023

RE: Letter of Partnership for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express my strong support for the grant application being submitted by the City of Auburn to the Department of Housing and Urban Development (HUD) and to formalize our partnership commitment within this important project. The primary objective of this grant is to eliminate obstacles hindering the development of affordable housing options, all while advancing the honorable cause of racial equity and fair housing practices.

The City of Auburn has demonstrated an unwavering dedication to championing common-sense zoning reform and creating incentives that foster homeownership opportunities for low- and moderate-income residents. The Winter Oaks Housing Development project, which is being proposed, serves as a shining example of how municipal governments can collaborate with developers and regional community service organizations well-versed in housing access and equity services. This innovative approach addresses the ongoing housing crisis while upholding the fundamental principles of fair housing.

The proposed project is characterized by its ambition and transformative potential. Our organization is both excited and honored to be part of this endeavor, and we wholeheartedly commit to contributing the following activities, resources, and support to enhance the project's impact within our community:

My development organization is poised to meet the needs of this project and we will pledge the private capital required to complete this project. These funds will be leveraged in part by support of Maine State Housing Authority as well as income generated from the sale of these single-family residences and owner-occupied duplexes to match federal funds sought through the PRO Housing application. In total, the program income to be generated from the development and sale of these units, with 70 percent being sold within maximum sales price as established by HUD, will be in excess of $18 million.

In conclusion, I firmly believe that the financial support from the U.S. Department of Housing and Urban Development will empower the City of Auburn and its partners in the Winter Oaks project to make an exceptional and profoundly positive impact on our community. My organization shares in their dedication to the principles of racial equity, fair housing practices, and community development, and we are enthusiastic about being an engaged and collaborative partner in this project.

I want to express my gratitude for the opportunity to form this partnership and for your invaluable consideration. If you require any additional information or have any questions, please do not hesitate to contact me.

Sincerely,

Fatuma Hussein, Principal

ANDROSCOGGIN LAND TRUST

October 10, 2023

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, ME 04210

RE: Partnership Commitment for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express the Androscoggin Land Trust's steadfast support for the grant application that the City of Auburn intends to submit to the Department of Housing and Urban Development (HUD). We are eager to formalize our partnership commitment for this pivotal initiative.

This grant seeks to address the pressing challenge of increasing affordable housing availability, while simultaneously championing the crucial cause fair housing practices. We commend the City of Auburn's proactive approach towards zoning reforms and the creation of homeownership opportunities for low- and moderate-income residents. The Winter Oaks Housing Development proposal stands as a testament to the potential of cooperative efforts between municipal governments, developers, and community service organizations specializing in housing access and equity.

The ambition and transformative promise of the proposed project is evident, and we are thrilled to be part of such a significant endeavor. As committed partners, the Androscoggin Land Trust will:

1. Endeavor to establish and maintain a stewardship endowment fund, akin to those we've set up for other parcels. This fund will allow us to allocate a yearly percentage towards essential stewardship costs.
2. Mobilize a dedicated network of volunteers to assist with maintenance, programming, and stewardship efforts for the Winter Oaks Parcel.

I am confident that with the financial backing of the U.S. Department of Housing and Urban Development, the City of Auburn, along with its partners, can drive monumental change in our community through the Winter Oaks project. We are deeply committed to the principles of racial equity, fair housing, and community development, and eagerly anticipate playing an active role in this collaborative effort.

Thank you for considering this partnership. Should you need further details or have any queries, please don't hesitate to reach out.

Sincerely,

Aimee Dorval, Executive Director – Androscoggin Land Trust

YMCA OF AUBURN-LEWISTON
62 Turner Street
Auburn, ME 04210
P: 207-795-4095
F: 207-795-4058
www.alymca.org

October 9, 2023

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, Me 04210

RE: Letter of Support and Partnership for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express the YMCA of Auburn-Lewiston's overwhelming support for the grant application being submitted by the City of Auburn to the Department of Housing and Urban Development (HUD). Furthermore, this letter also stands as our formal commitment to partner with the City of Auburn on this transformational project.

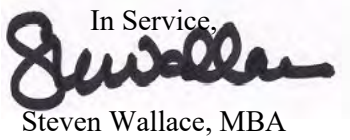
We understand the desired outcome of this grant is to eliminate obstacles hindering the development of affordable housing options while also advancing the cause of racial equity and fair housing practices. The City of Auburn has demonstrated an unwavering dedication to championing common-sense zoning reform and creating incentives that foster homeownership opportunities for low- and moderate-income residents. The proposed Winter Oaks Housing Development project serves as a shining example of how municipal governments can collaborate with developers and regional community service organizations well-versed in housing access and equity services. Our organization is both excited and honored to be part of this endeavor, and we wholeheartedly commit to contributing the following activities, resources, and support to enhance the project's impact within our community:

- The YMCA of Auburn-Lewiston will open, staff, furnish, and operate at its own cost a full-service Early Childhood Education Center at the proposed housing community center. Priority will be given to residents in the proposed Winter Oaks Housing Development
- Licensing, staff training, and initial start-up costs are expected to be between $40,000 and $60,000. The YMCA of Auburn-Lewiston will provide these funds as an in-kind donation to the project.

In conclusion, I firmly believe that the financial support from the U.S. Department of Housing and Urban Development will empower the City of Auburn and its partners in the Winter Oaks project to make an exceptional and profoundly positive impact on our community. My organization shares in their dedication to the principles of racial equity, fair housing practices, and community development, and we are enthusiastic about being an engaged and collaborative partner in this project.

If you require any additional information or have any questions, please do not hesitate to contact me directly either by phone or email. I can be reached at (207) 577-8108 or swallace@alymca.org.

In Service,



Steven Wallace, MBA
Chief Executive Officer,
YMCA of Auburn-Lewiston

The YMCA of Auburn-Lewiston is a character building organization dedicated to strengthening the Christian principles of caring, honesty, respect, and responsibility through programs that build a healthy spirit, mind, and body for everyone regardless of ability to pay. The YMCA of Auburn-Lewiston is a 501 (c)3 non-profit, charitable organization.

ANDROSCOGGIN COUNTY

COMMISSIONERS
Roland Poirier, Commissioner
Sally Christner, Commissioner
Andrew Lewis, Commissioner
Brian Ames, Commissioner
Terri Kelly, Commissioner
Edouard Plourde, Commissioner
Garrett Mason, Commissioner

COUNTY ADMINISTRATOR
Clarice Proctor
Androscoggin County
2 Turner Street
Auburn, ME 04210
Tel. No. (207) 753-2500
Fax No. (207) 782-5367

October 11, 2023

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, Me 04210

RE: Letter of Partnership for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express my strong support for the grant application being submitted by the City of Auburn to the Department of Housing and Urban Development (HUD) and to formalize our partnership commitment within this important project. The primary objective of this grant is to eliminate obstacles hindering the development of affordable housing options, all while advancing the honorable cause of racial equity and fair housing practices.

The City of Auburn has demonstrated an unwavering dedication to championing common-sense zoning reform and creating incentives that foster homeownership opportunities for low- and moderate-income residents. The Winter Oaks Housing Development project, which is being proposed, serves as a shining example of how municipal governments can collaborate with developers and regional community service organizations well-versed in housing access and equity services. This innovative approach addresses the ongoing housing crisis while upholding the fundamental principles of fair housing.

The proposed project is characterized by its ambition and transformative potential. Our organization is both excited and honored to be part of this endeavor, and we wholeheartedly commit to contributing the following activities, resources, and support to enhance the project's impact within our community:

The Androscoggin County Emergency Management Agency fosters a culture of emergency preparedness and inclusivity through outreach with partners and stakeholders with the goal being to provide the tools and skills necessary to enhance the capabilities across the whole community, as they relate to prevention, protection, mitigation, response, and recovery from the impacts of natural and manmade disasters. With that said, the Androscoggin County Emergency Management Agency supports the Winter Oaks Housing Development project recognizing its inclusion of an emergency disaster shelter with backup power generation will serve the White Oaks community and benefit the vulnerable population south of the Little Androscoggin River, enhancing community resiliency and build response and recovery capabilities for the City of Auburn.

In conclusion, I firmly believe that the financial support from the U.S. Department of Housing and Urban Development will empower the City of Auburn and its partners in the Winter Oaks project to make an exceptional and profoundly positive impact on our community. My organization shares in their dedication to the principles of racial equity, fair housing practices, and community development, and we are enthusiastic about being an engaged and collaborative partner in this project.

I want to express my gratitude for the opportunity to form this partnership and for your invaluable consideration. If you require any additional information or have any questions, please do not hesitate to contact me.

Sincerely,

Angela Molino, Director, Androscoggin County Emergency Management Agency

MaineHousing
MAINE STATE HOUSING AUTHORITY

September 27, 2023

Mr. Phillip L. Crowell, Jr.
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

Dear Mr. Crowell:

This letter is to support the City of Auburn's grant application to the U.S. Department of Housing and Urban Development's PRO Housing program. We are well aware of the City's work with Fatuma Hussein's proposed development of affordable housing. The barrier to developing this much-needed affordable housing is the lack of resources to extend and improve water and sewer infrastructure as well as roads and sidewalks.

We understand that Ms. Hussein and her development team have been working closely with the City on a neighborhood that includes both homes for sale and rental units. These homes, proposed to be affordable to individuals and families up to 120% area median income for homeownership and up to 60% AMI for rental, fit well with existing MaineHousing development programs. We traditionally release programs that finance capital and infrastructure for affordable single family homes and Low Income Tax Credit programs for the development of affordable rental housing. We believe the availability of these programs, and the experience Ms. Hussein's development team have with these programs, position this development for future success in developing this housing.

We appreciate the City's actions in applying to HUD for the PRO Housing program as readying the site for development by bringing in the needed infrastructure will have an enormous impact in the feasibility of the project.

Sincerely,

Daniel E. Brennan
Director

Androscoggin Bank

30 Lisbon Street
PO Box 1407
Lewiston, Maine 04243
1.800.966.9172
Androscogginbank.com

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, Me 04210

RE: Letter of Partnership for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express my strong support for the grant application being submitted by the City of Auburn to the Department of Housing and Urban Development (HUD) and to state our support for this important project. The primary objective of this grant is to eliminate obstacles hindering the development of affordable housing options, all while advancing the honorable cause of racial equity and fair housing practices.

The City of Auburn has demonstrated an unwavering dedication to championing common-sense zoning reform and creating incentives that foster homeownership opportunities for low- and moderate-income residents. The Winter Oaks Housing Development project, which is being proposed, serves as a shining example of how municipal governments can collaborate with developers and regional community service organizations well-versed in housing access and equity services. This innovative approach addresses the ongoing housing crisis while upholding the fundamental principles of fair housing.

The proposed project is characterized by its ambition and transformative potential. As a 153 year old financial institution serving the City of Auburn and its citizens, our organization is both excited and honored to be part of this endeavor, and we look forward to supporting this project any way that we can including by making both traditional and non-traditional financing available to qualified home buyers.

Specifically, Androscoggin Bank's Islamic-compliant financing alternatives will remove barriers for homebuyers traditionally left out of the local housing market. We are pleased to have financing alternatives for qualified low- and moderate-income buyers, including devout Muslim buyers as a means to remove additional impediments to fair housing.

In conclusion, I firmly believe that the financial support from the U.S. Department of Housing and Urban Development will empower the City of Auburn and its partners in the Winter Oaks project to make an exceptional and profoundly positive impact on our community.

EQUAL HOUSING LENDER
Member FDIC

Androscoggin Bank

The Bank shares in the City's dedication to the principles of racial equity, fair housing practices, and community development, and we are enthusiastic about the opportunity to serve as an engaged and collaborative participant in this project.

If you require any additional information or have any questions, please do not hesitate to contact me.

Sincerely,

Neil Kiely
President/CEO

EQUAL HOUSING LENDER Member FDIC

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023

Author: Katherine Cook

Subject: Workshop on proposed text and map amendments applied to the Lake Auburn watershed.

Information: Last year, the board and council recommended and initiated various changes and map and text amendments related to the Lake Auburn Watershed Overlay District. The proposed changes have mostly been introduced and/ or considered last year, but the topics are at varying stages of the public discussion and completion. The purpose of this workshop is to review those changes together to prepare for a first reading in November after receiving a recommendation from the planning board. The proposed text amendments are to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The proposed text adds the definitions of boundaries, curtain drain, hobby agricultural use, LAWPC, non-hobby agricultural use, soil horizon and soil profile. The amendment also prohibits municipal sludge spreading, increases the agricultural buffer strip from Lake Auburn or it's tributary streams from 50 feet to 100 feet, upgrades the septic system siting and design requirements, specifies that new non-hobby (commercial) agricultural uses in the Lake Auburn watershed in the AGRP zone are prohibited, requires hobby agricultural uses to obtain approval from LAWPC's Watershed Protection Manager and prohibits new homes in the Agriculture and Resource Protection portions of the Lake Auburn watershed. These text changes are paired with a proposed map amendment which would change all land in the Rural Residence (RR) zoning district in the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This would change the minimum lot size from one acre to three acres and increase the minimum road frontage from 250 feet to 325 feet. The final two map changes to consider are to amend the Lake Auburn Watershed Overlay boundary to match the hydrogeological watershed, and to consider a zone change for the Gracelawn parcel from AGRP to GB if on portions removed from the Lake Auburn Watershed Overlay.
At the October 10 planning board meeting, the board voted to initiate public hearings for each of the four Lake Auburn Watershed related items at the November meeting. The motion itself is attached to this packet.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council discuss the proposals and provide any feedback as we prepare for the Planning Board Public Hearing.

Previous Meetings and History: December 21, 2021: city council directive to amend watershed boundary; January 2, 2022: council directs planning board to consider certain septic requirement text change; January 3, 2022: city council workshop to change boundary of watershed and change from AG to CDD; January 11, 2022:

planning board workshop on amending watershed boundary; February 8, 2022: planning board public hearing on changing Gracelawn area from AGRP to GB and moving the CDD boundary to match the newly interpreted watershed boundary (favorable recommendation); March 7, 2022: city council first reading on amending 148 gracelawn area from AGRP to GB; March 21, 2022: city council second reading on amending a slightly reduced area in the Gracelawn area from AGRP to GB (passes); April 12, 2022: planning board workshop and public hearing on updating subsurface wastewater (SSWW) standards (favorable recommendation contingent upon RR to LDCR zone change); April 19, 2022: city council workshop on Lake Auburn watershed updates; May 2, 2022, city council first reading on updating SSWW standards and increasing agricultural buffer strip (favorable vote). also asks board to consider reducing housing density in the watershed; May 3, 2022: special planning board workshop to consider changing RR to LDCR in the watershed; August 9, 2022: planning board workshop on FB Environmental Report; August 9, 2022: City Clerk verifies signatures on petition to repeal watershed boundary; August 15, 2022: city council workshop on RR to LDCR; September 6, 2022City counil repeals Ordiance 08-03072022 (watershed boundary); October 11, 2022: planning board review text amendment to increase ag. buffer strips and update SSWW requirements (favorable recommendation); January 17, 2023: city council directs staff to initiate prohibition on new residences and animal farms in Lake Auburn watershed also in AGRP zone; January 17, 2023: city council directs planning board to consider that no future SSWW systems be allowed within 300 feet of Lake Auburn; September 18, 2023: DWP Potential Boundary wrote favorable letter for new line by Maine Drinking Water; September 26, 2023: Lake Auburn Water Quality Ad-Hoc Committee issues memo recommending AWSD and LWD forward new boundary to DWP.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed Ordinance, planning board motion, planning board staff report (text amendments) staff report (RR to LDCR), staff report (new watershed boundary), staff report (new watershed zone GB), DWP memo, LWD memo, Lewiston memo, watershed boundary map, watershed zone map (existing RR), watershed zone map (proposed LDCR), GB zone ordinance.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
Subject: Planning board recommendation to initiate text and map amendments related to the Lake Auburn watershed.

Date: 10/16/2023

Proposal I: WORKSHOP/ TEXT AMENDMENT: Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by City Council and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; **SECOND**: David Trask Seconds.

Eric Cousens suggests a motion which Evan Cyr volunteers: "I make a motion to schedule this as a public hearing with the discussed legal opinion in November," **VOTE:** 7-0-0. Motion passes.

Proposal II: WORKSHOP/ MAP AMENDMENT: Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion **SECOND:** David Trask Seconds

"I make a motion that we hold a public hearing on this at the next regular meeting." **VOTE**: 7-0-0 motion passes.

Proposal III: WORKSHOP/ MAP AMENDMENT: Consider Changing the Lake Auburn Watershed Boundary to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line which was peer reviewed and agreed upon by FB Environmental Inc, CEI Environmental and Maine Drinking Water Program and recommended by the Lake Auburn Ad-Hoc Group. This map change is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; **SECOND**: David Trask seconds,

"I make a motion that we hold a public hearing on this topic at our next regular planning board meeting contingent upon AWD having made a decision or recommendation and that we be provided with legal counsels justification on the need to do this part rather than follow the strict language within the ordinance," **VOTE** 7-0-0 motion passes.

Proposal IV: WORKSHOP/ MAP AMENDMENT: New zone considerations for area outside the new Lake Auburn watershed boundary in the Gracelawn Road/ Mount Auburn Avenue area.

MOTION: Evan Cyr makes a motion; **SECOND**: Paul Jacques seconds.

I'll make a motion to have a public hearing on this zone change, specifically to change the zone to general business as the November Planning Board meeting," **VOTE:** 7-0-0 motion passes.

Lake Auburn Water Quality Ad-Hoc Committee

MEMO

To: Auburn Water District, Lewiston Water Division

From: The desk of the Lake Auburn Water Quality Ad-Hoc Committee

Date: 9.26.23

Subject: Lake Auburn Watershed Overlay District Text and Map Amendments

The Lake Auburn Water Quality Ad-Hoc Committee has reviewed the following documents and recommends the adoption of zoning amendments for the protection of Lake Auburn. The attached text and map amendments have been reviewed, and consensus has been reached to support the changes based on peer-reviewed science. The Ad Hoc Committee recommends that the Auburn Water District and Lewiston Water Division forward the proposed changes to the Maine Drinking Water Program for review. The Committee further recommends that the Stakeholders represented on the Committee plan and execute an engagement with upper watershed towns to explore application of improved watershed protections in those towns, with legal advice on the authority of Auburn Water District to implement watershed protections.

The Summary of Changes Include:

1.) Proposed zoning text amendments, Sec 60-950 through 1065 (Exhibit A)
2.) Proposed Lake Auburn Watershed Boundary, As recommended by the Maine DWP (Exhibit B)
3.) Map Amendment; Changing 1-acre residential areas (Rural Residential) to 3-acres residential areas minimums (Low-Density Country Residential).

Committee Members:

Kevin Gagne

Mike Broadbent

Eric Cousens

Tracy J. Roy

Steve Milks

Rick R. LaChapelle

Alan Holbrook

John Blais

N/A
Matthew Waite

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater Delistrict on file in the office of the Auburncity Wwater Delistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, and Town of Turner, Minot / Hebron / Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) *~~Municipal and m~~Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R.

ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District shall be inspected by LAWPC, or its designee, every 5 years or at the time that a property sold, whichever date is sooner.

(73) The Auburn ~~city~~ Wwater Ddistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(84) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

• • •

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

• • •

DIVISION 2. PHOSPHORUS CONTROL

• • •

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

• • •

ARTICLE XV. BOARD OF APPEALS

• • •

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation, Gracelawn Parcel area, Auburn, ME

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"* (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

The DWP agrees with the CDM Smith finding that the "DWP Potential Boundary" on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report's recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the "Main Pit Area" into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).

- Investigate further and provide an explanation of the apparent "upward head gradients, i.e., groundwater flow into the lake" in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith *Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission* memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:

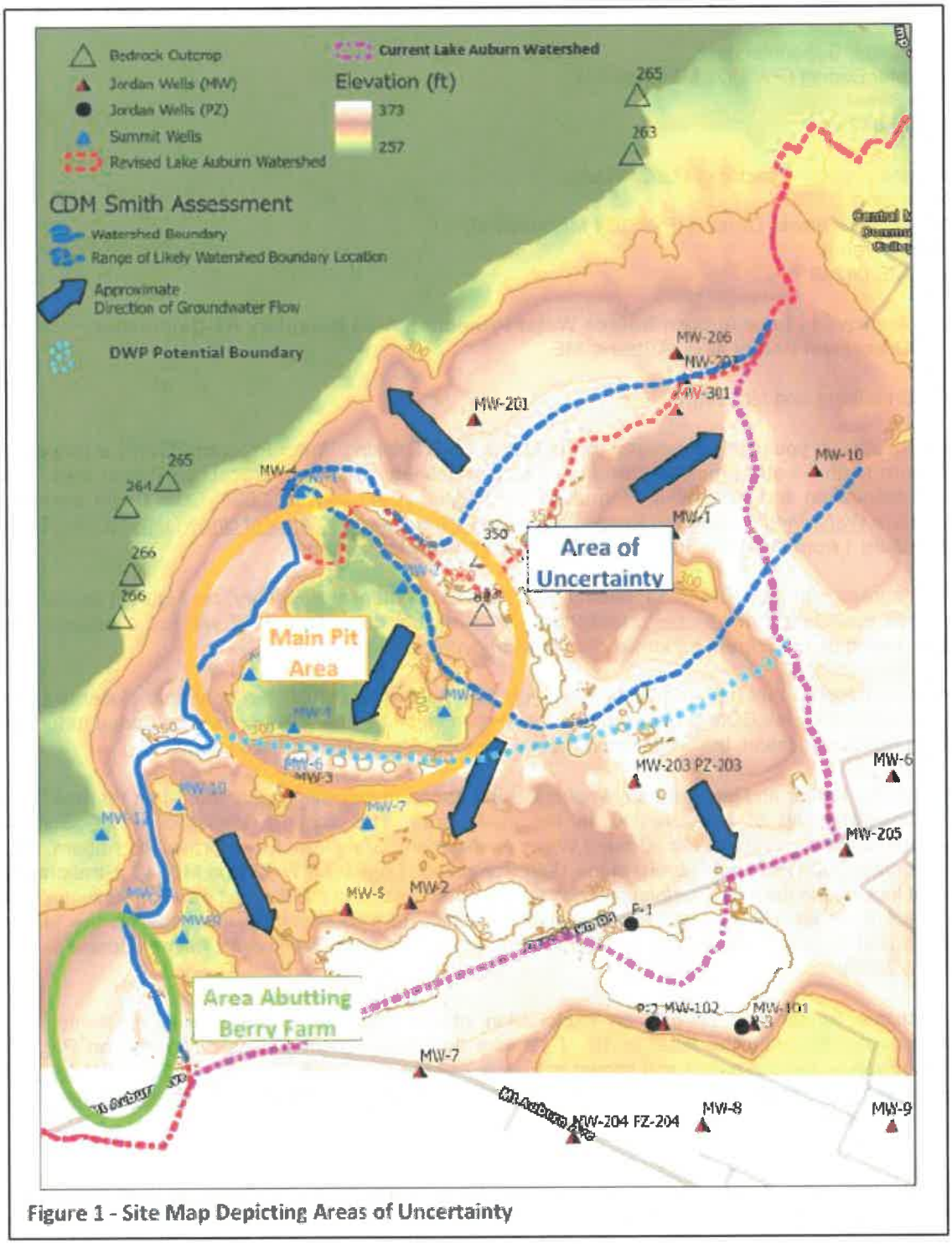


Figure 1 - Site Map Depicting Areas of Uncertainty

Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

Sincerely,

Susan F. Breau

Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

ec Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, Town of Turner, and Town of Minot/ Hebron/ Buckfield~~.~~

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R.

ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District shall be inspected by LAWPC, or its designee, every 5 years or at the time that a property sold, whichever date is sooner.

(73) The Auburn ~~city~~ W~~w~~ater D~~d~~istrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(84) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ W~~w~~ater D~~d~~istrict.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

● ● ●

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

● ● ●

DIVISION 2. PHOSPHORUS CONTROL

● ● ●

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

● ● ●

ARTICLE XV. BOARD OF APPEALS

● ● ●

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: October 10, 2023

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on proposed ordinance text changes within the Lake Auburn Watershed Overlay District

I. **Workshop/ Text Amendment:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by City Council and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. **Background:** Since January 2022, several amendments have been proposed to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District. These amendments include 1.) changes to the private subsurface wastewater disposal system design and siting standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer width from Lake Auburn and its tributaries and streams; and 3.) eliminating new non-hobby animal farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn by updating septic standards and environmental regulations to meet current best practices. These amendments are important to maintain the quality of Auburn's and Lewiston's drinking water supply and maintain the existing waiver from filtration. All amendments are at various stages of review and approval by the city council and the planning board. For reference, below the relevant meetings to this point have been listed:

Previous Meetings and Actions:

- **Jan. 3, 2022**—Council directs planning board to maintain requirement of 36 inches above limiting factor for septic systems while allowing updating septic design to meet state standards.
- **Apr. 12, 2022**—Planning board workshop and public hearing re: updating Sec. 60-952(f) (1-5) and (c) subsurface wastewater systems in the Lake Auburn watershed. Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to three dwelling units per acre in the currently existing Rural Residence district in the Lake Auburn watershed.
- **April 19, 2022**—City council workshop on Lake Auburn watershed ordinance updates.
- **May 2, 2022**—City council first reading: updating Ch. 60, Article XII, Division 4, Sec. 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems in the Lake Auburn watershed. Favorable vote.
- **Jan. 17, 2023**—City council directs staff to direct ordinance text and map Amendment to prohibit any future residential structures and limit or prohibit animal farms in the Lake Auburn Watershed in the AGRP zone.
- **Jan. 17, 2023**-- City council directs the planning board to provide a recommendation for a zoning amendment that will prohibit any future subsurface wastewater disposal within 300' of Lake Auburn.

- **Aug. 9, 2022—**Planning board workshop on FB Environmental Report re: updating Sec. 60-952 (f) (1-5) for subsurface wastewater systems.
- **Oct. 11, 2022**—Planning board review of text amendment to Ch. 60, Article CVII, Div. 4, Sec. 60-952(c) agricultural buffer strip and (f) (1-5) private sewage disposal systems

Lake Auburn Water Quality Ad-Hoc Committee Memo: On September 26, 2023, a significant step forward was made in moving these amendments forward when the Lake Auburn Water Quality Ad-Hoc Committee recommended that the proposed zoning text amendments be forwarded by the Auburn Water District and Lewiston Water Division to the Maine Drinking Water Program for review. This Memo is attached in this packet for the planning board's review.

The purpose of this workshop is to present all the proposed amendments for review at the same time to answer any remaining questions and prepare to hold a public hearing and recommend action in November. Below, I listed a summary of the changes in the attached proposed text amendment, and name where each proposed change originated.

Summary of Ordinance Text Changes:

1. Minor edits to clarify meaning made to Sec. 60-950. *(Edits made by legal counsel for clarity).*
2. Add Sec. 60-951 "(a) Boundaries", make minor edits to clarify meaning. *(Edits made by legal counsel for clarity).*
3. Add Sec. 60-951" (b) Definitions" and under this section, add the definition of "curtain drain," "hobby agricultural use," "non-hobby agricultural use," "soil horizon," "soil horizon, limiting or limiting soil horizon," and "soil profile." *(Edits matching language it the State Plumbing Code made for specificity by legal counsel).*
4. Amend Sec. 60-952(a) to state that as of January 1, 2024, non-hobby farms are not permitted, and hobby farms require review from the LAWPC Watershed Manager and notification to the code enforcement officer. *(Introduced by the city council).*
5. Amend Sec. 60-952(b) to prohibit new dwelling units in the Lake Auburn Watershed Overlay District siting state law which may occasionally be amended. *(Language edit for clarity suggested by legal counsel, but the planning board and city council already took favorable action on this item's content.)*
6. Amend Sec. 60-952(c) so that agricultural buffer strips become 100 feet wide instead of 50 feet wide and specify that applicable perennial or tributary streams should be identified on a 7.5-minute series USGS topographic map, dated 1981. *(City council introduced this item and has had first reading).*
7. Amend Sec. 60-953(d) to prohibit any spreading of sludge and specify that manure spreading shall be in conformance with the then-current edition of the Maine Dept. of Agriculture Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal. *(Edit made by legal counsel to reflect existing environmental guidelines and practices.)*
8. Minor edits for specificity meaning in Sec. 60-952(e)(2) and (3). *(Introduced by legal counsel to add clarity).*
9. Amend Sec. 60-952(f) substituting "sewage" with "subsurface wastewater." Under this section, also amend 60-952(f)(1) the private subsurface wastewater disposal system design to specify that there must be at least 36 inches separation between the bottom of the disposal field and the limiting soil horizon and allows for 24 inches of this material be natural or fill, which is a change from the current ordinance. *(Introduced by the city council, and favorable recommendation made by the planning board.)*
10. Amend Sec. 60-952(f)(2) from requiring 300 feet between any new septic field to the high-water line of a stream, tributary, or outlet of Lake Auburn to requiring 400 feet separation. *(Introduced by the city council).*
11. Add Sec. 60-952(f)(3) stating that all new or replacement systems must meet the above criteria or be designed in consultation with Auburn Water District. *(Introduced by legal counsel to add clarity).*
12. Add Sec. 60-952(f)(4) that all replacement or new systems shall have either a curtain drain, or a diversion ditch and that this is signed off on by a site evaluator. *(Introduced by the city council).*

13. Add Sec. 60-952(f)(5) which requires that all new and replacement systems be located on the same lot as the dwelling unit being served, or that in the case of an existing home, the applicant can prove to the plumbing inspector that it is physically impossible to have the septic system on the same lot. *(Introduced by the city council).*
14. Add Sec. 60-952(f)(6) which requires that systems in the Lake Auburn Watershed Overlay district be inspected by LAWPC or its designee every five years. *(Introduced by the planning board).*
15. Minor edits to clarify wording made to Sec. 60-952(f)(7). *(Introduced by legal counsel to add clarity).*
16. Grammatical edits made to Sec. 60-952(f)(8). *(Introduced by legal counsel).*
17. Eliminate original Sec. 60-952(f)(5) which exempts systems in existence since 1983 from meeting the provisions of this section.
18. Grammatical edits made to Sec. 60-1237. *(Introduced by legal counsel).*

III. **Department Review:**

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

IV. **Planning Board Action:** Review text changes, provide staff with feedback, and prepare for public hearing on these items in November.

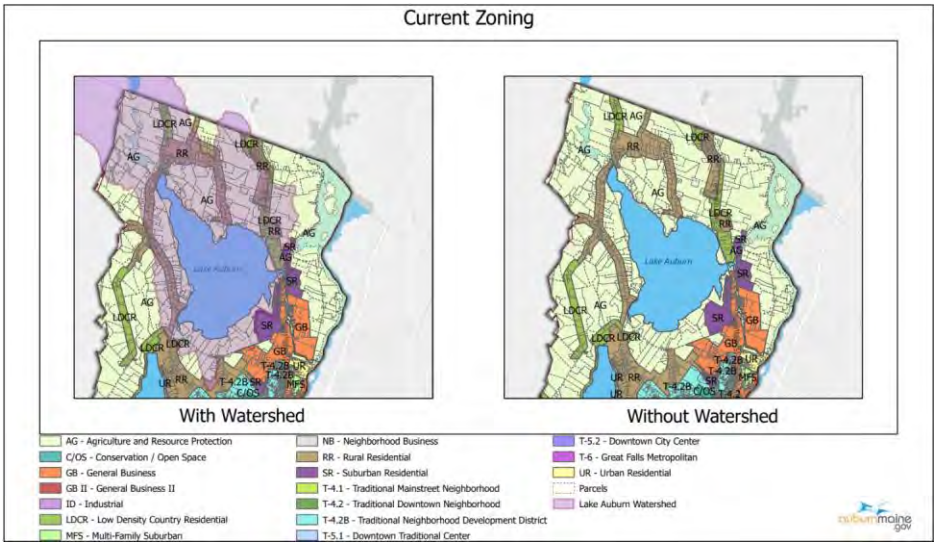
City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

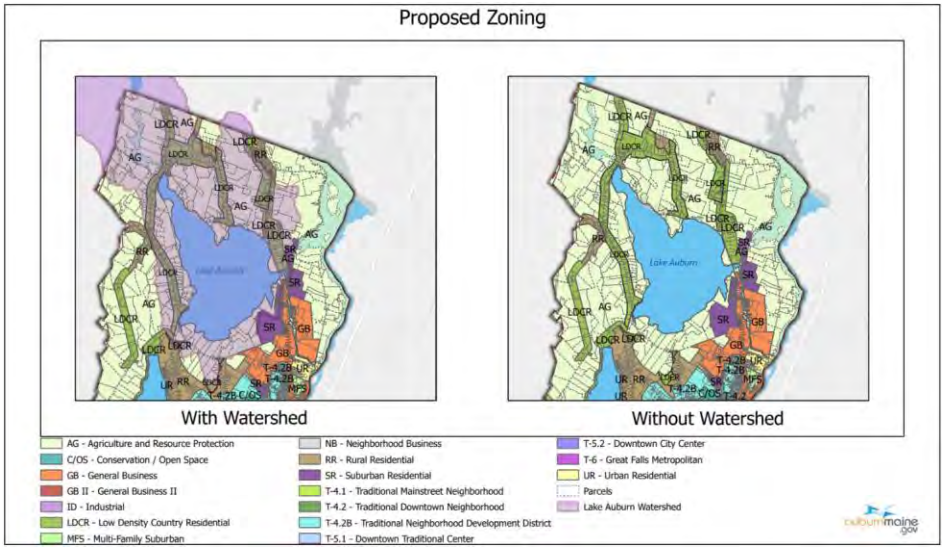
Date: October 10, 2023

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on Proposed Map Change Converting Rural Residential Zoning District to Low Density Country Residence Zone within the Lake Auburn Watershed Overlay District.

I. **Workshop/ Map Amendment:** Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change is to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. **Background:** The City of Auburn is proposing several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District. One such change includes amending subsurface wastewater disposal (SSWD) system standards to require that the limiting soil horizon be at least 36 inches below the bottom of the disposal field and allows for mounded leach fields to create this separation. The current standard, which the planning board may recommend updating in November, requires that the limiting factor must be at least 36 inches below the organic horizon. This current standard does not allow for the most efficient treatment of effluent. The proposed update is intended to improve the efficiency of approximately 251 existing systems within the Lake Auburn Watershed thereby reducing the accumulation of non-point source pollution into Lake Auburn. This change in design standard also would have the likely effect of rendering more lots in the





Lake Auburn Watershed Overlay district buildable, creating more septic systems, more land-based runoff, and less forested or vegetated area to collect nutrients before they enter the Lake. The planning board recommended to city council that changing the septic standards should coincide with changing the zoning in the Lake Auburn Watershed to allow fewer houses to offset the possible unwanted development in the watershed of Auburn's drinking water supply.

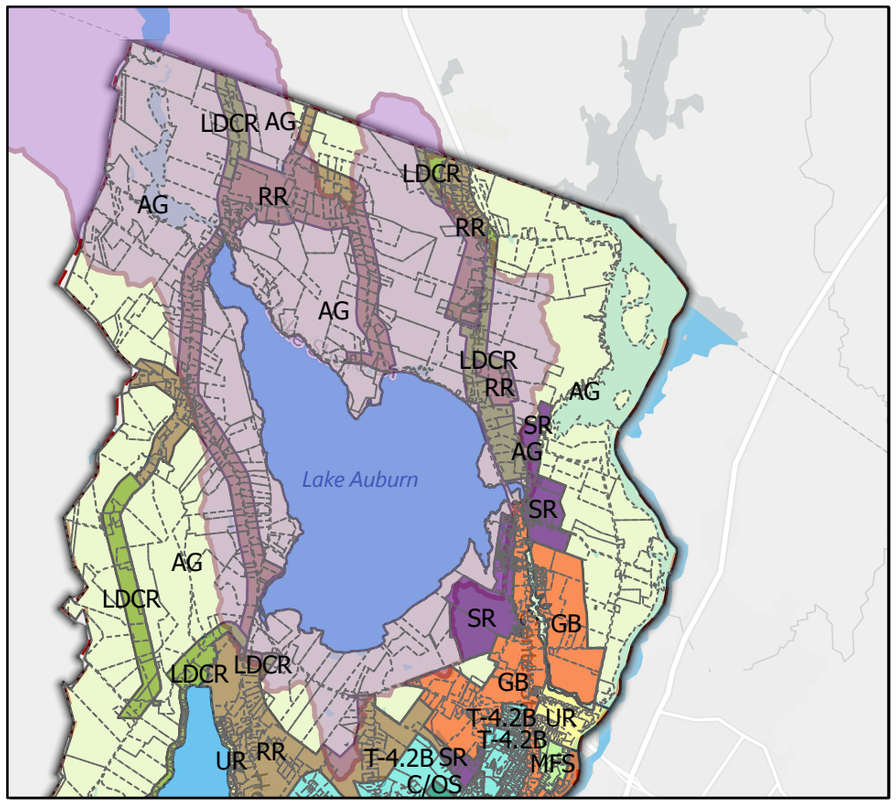
This map amendment proposes changing all land in the Low-Density Rural Residence or Rural Residence (RR) zoning district, shown in brown, to the Low-Density Country Residence (LDCR) zoning district, shown in green, within the Lake Auburn Watershed Overlay District. This change reduces the density from one dwelling unit per acre and minimum 250 feet road frontage to one dwelling unit per three acres and minimum 325 feet road frontage. For reference, the relevant meetings to this point have been listed below.

Previous Meetings and Actions:

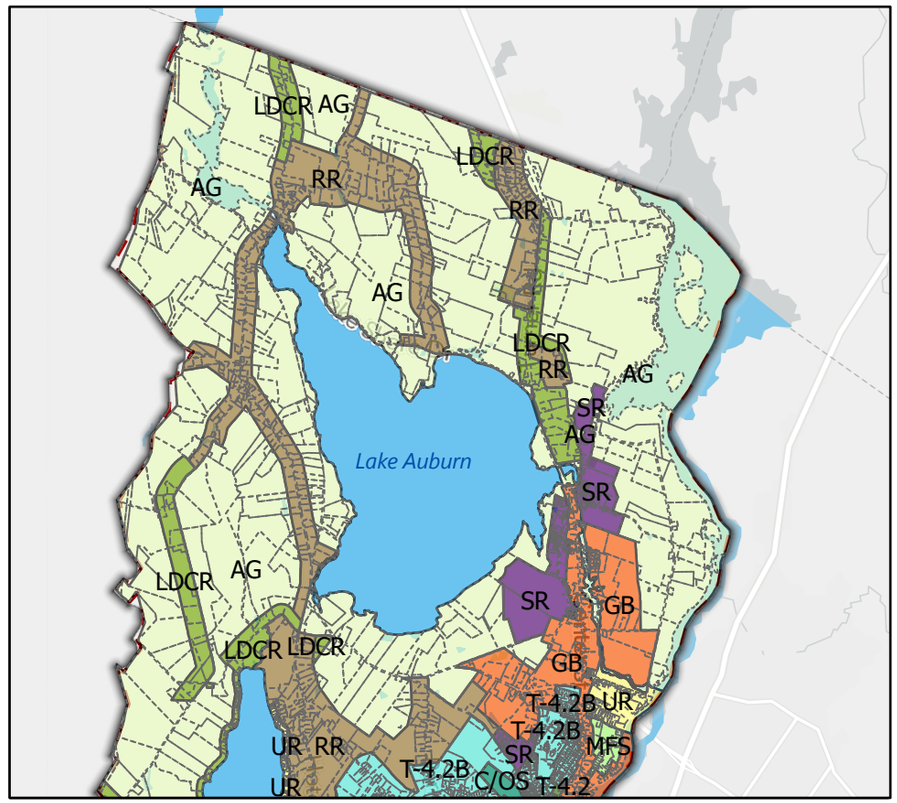
- **Apr. 12, 2022**— Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn Watershed Overlay District.
- **May 2, 2022**—City Council orders the Planning Board to consider a zone change reducing housing density in the Lake Auburn Watershed from one dwelling per acre to one dwelling per three acres in the Rural Residence zoning district in the Lake Auburn Watershed.
- **May 3, 2023—**Special Planning Board workshop to consider reducing the housing density in all parts of the Lake Auburn Watershed from one unit per acre to one-unit per three acres by changing RR sone to the LDCR zone.
- **Aug. 15, 2022**—City Council Workshop on reducing housing density in Lake Auburn Watershed from one dwelling unit per acre to one dwelling unit per three acres in the Rural Residential District in the Lake Auburn Watershed.
- **October 11, 2022**—Planning Board Public Hearing to change RR to LDCR in all portions of the Lake Auburn watershed. Motion to recommend change to Council.

III. **Planning Board Action:** Review text changes, provide staff with feedback, and prepare for public hearing on these items in November.

Current Zoning



With Watershed

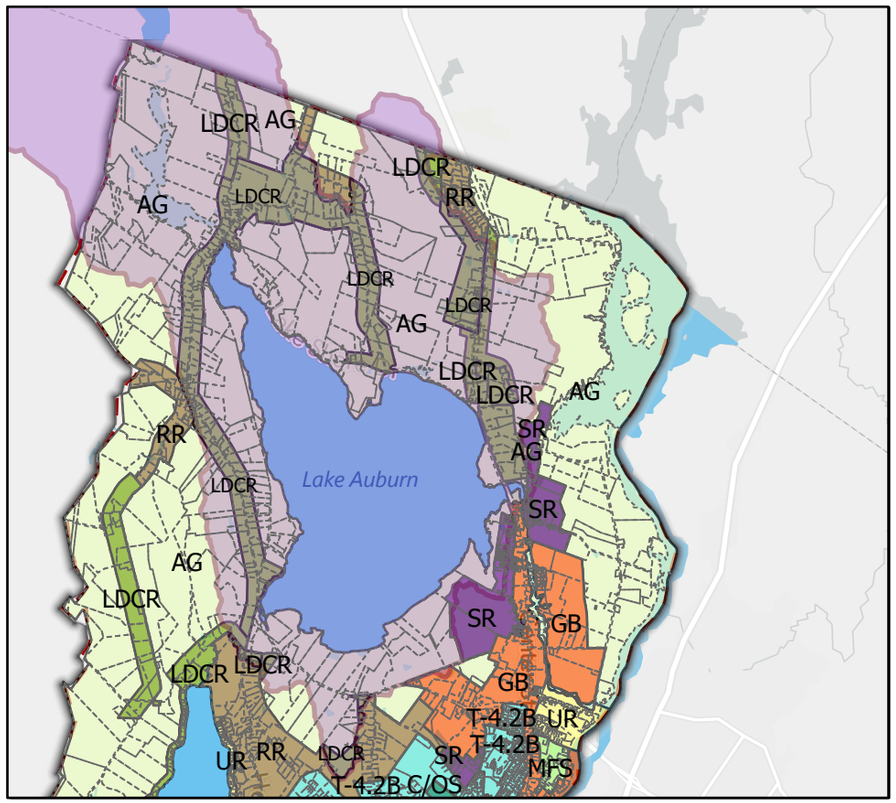


Without Watershed

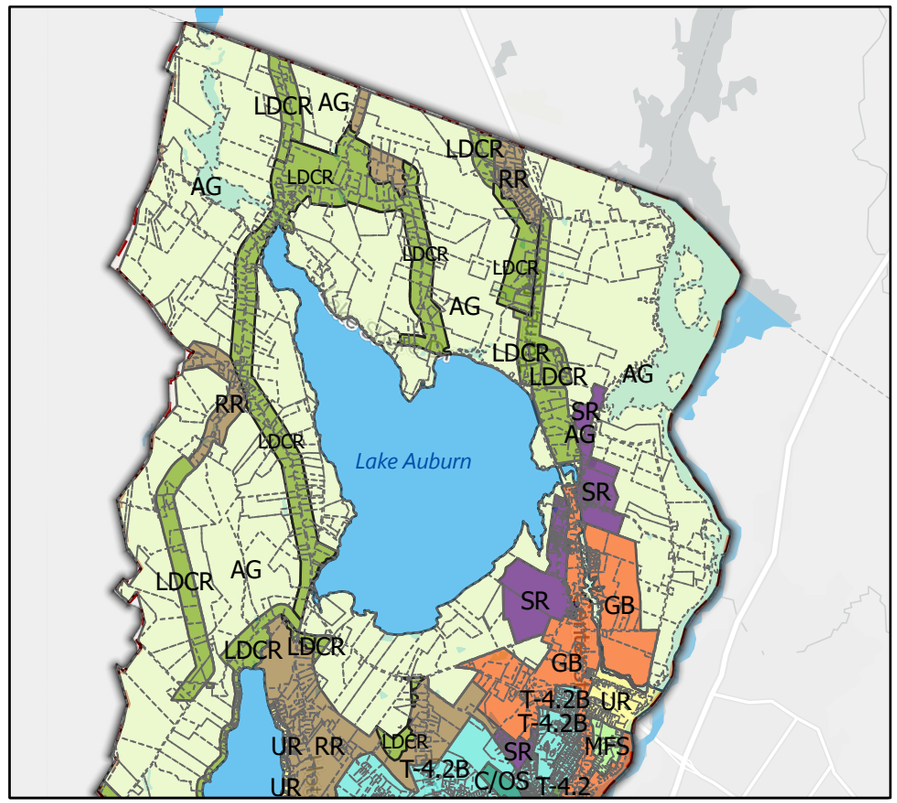
- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels
- Lake Auburn Watershed

auburnmaine.gov

Proposed Zoning



With Watershed



Without Watershed

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels
- Lake Auburn Watershed

auburnmaine.gov

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

(b) *Special exception uses*. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for

domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

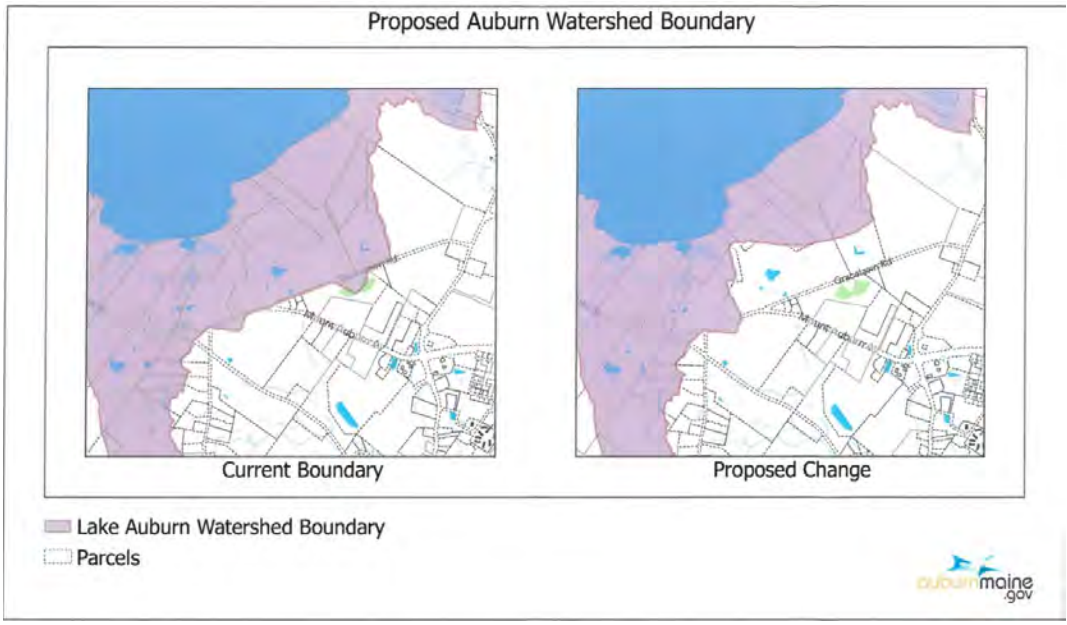
Secs. 60-203—60-227. Reserved.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: October 10, 2023

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on proposed map change to move the Lake Auburn Watershed Overlay boundary to match topographical watershed
Updated 10/5/2023

I. **Workshop/ Map Amendment:** Consider changing the Lake Auburn Watershed Boundary to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line which was peer reviewed and agreed upon the Maine Drinking Water Program and recommended by the Lake Auburn Ad-Hoc Group. This map change is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.



II. **Background:** The City recognized that the Lake Auburn Watershed Boundary had changed from their previous understanding at the end of 2021 based on the report, "A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME". In the months that followed, the Planning Board and City Council held several hearings on changing the zoning in the area that was formally, but no longer in the Lake Auburn Watershed from Agriculture and Resource protection to the GB district and move the boundary in the Future Land Use Plan in the Comprehensive Plan to the Community Development District (CDD). Following a petition to change the Lake Auburn Watershed Overlay boundary, the watershed boundary line reverted to what it was prior to March 21, 2022. Since then, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the "DWP Potential Boundary" shown in the attached memo is a conservative boundary that can be established with available data. DWP also suggested that further studies should be conducted to move the boundary even closer to the lake in this area. All parties involved in the long process to delineate the accurate Lake Auburn watershed boundary agree that the "DWP Potential Boundary" is the best delineation based on available data.

The purpose of this workshop is to update the City's Lake Auburn Watershed Overlay Map on our GIS system to match the agreed upon boundary shown as "DWP Potential Boundary" in Figure 1 - 0

Site Plan Depicting Areas of Uncertainty, and "Proposed Change" in the Proposed Auburn Watershed Boundary Map (attached). The purpose of this workshop is to discuss these changes, answer any questions that the planning board has outlying, and prepare for a public hearing and action in November. Relevant meetings and actions up to this point have been listed below.

Previous Meetings and Actions:

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens' petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty
- **Sept. 18, 2023— "**DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.

III. **Planning Board Action:** Provide questions, comments, feedback, staff, and initiate a public hearing on these items in November.

LEWISTON ME

Administration

Phil Crowell, City Manager
City of Auburn
60 Court Street
Auburn, Maine 04210

September 18, 2023

Manager Crowell,

Last week, the Auburn Water District and the Lewiston Water Division received a letter from the Maine Drinking Water Program. I am pleased, as I am sure you were, that the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"*.

In 2022, the City of Auburn City Council amended the Lake Auburn Watershed Overlay District, as it affected the Gracelawn Parcel. Lewiston consents to an amendment of the Lake Auburn Watershed Overlay District, provided that the Auburn Water District first amend its bylaws to exclude the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway and that, second, the Auburn Water District, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. The Auburn Water District has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the remaining issues in the present lawsuit, *City of Lewiston v. Auburn Water District, et al.*, can be settled.

Please contact me with any questions.

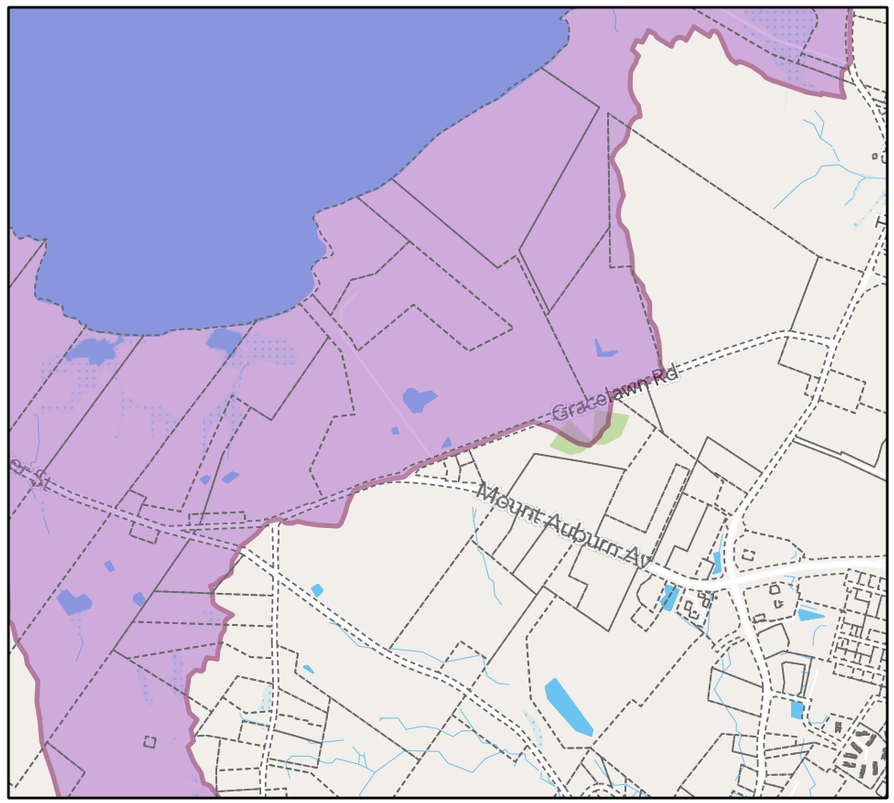
Sincerely,

Heather Hunter

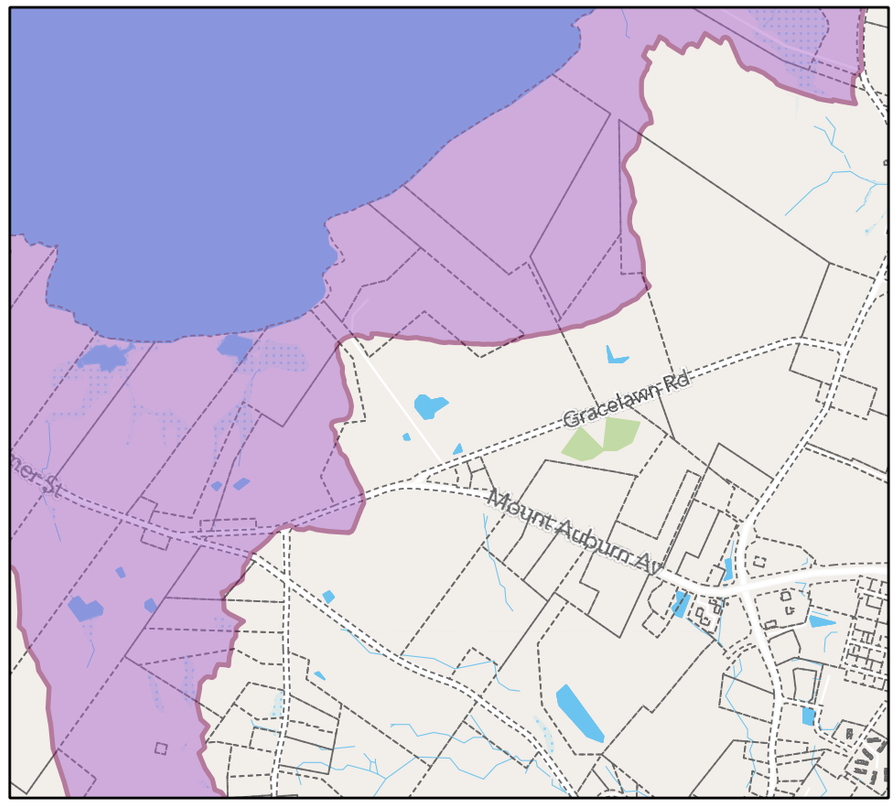
Heather Hunter

27 Pine Street, Lewiston, ME 04240 **PHONE:** (207) 513-3121 *hhunter@lewistonmaine.gov* **LewistonMaine.gov**

Proposed Auburn Watershed Boundary



Current Boundary



Proposed Change

Lake Auburn Watershed Boundary

Parcels

auburnmaine.gov

LEWISTON ME

Public Works

September 18, 2023

Mr. Michael Broadbent, Superintendent
Auburn Water District
PO Box 414
Auburn, Maine 04212-0414

Mike
Superintendent Broadbent:

I am pleased, as I am sure you were, to have received the Maine Drinking Water Program's September 5, 2023 letter. As you know, the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty".

Of course, the Auburn Watershed boundary through the Gracelawn Parcel is an issue in the pending lawsuit, *City of Lewiston v. Auburn Water District, et al.* In an effort to remove that issue from suit, Lewiston consents to an amendment of the AWD bylaws to redefine the Level 1 zone of protection to exclude the portion of the Gracelawn parcel that lies between the DWP Potential Boundary line and the nearest roadway (and only to this extent).[1] Additionally, Lewiston proposes that AWD, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway. Upon the successful completion of these actions, Lewiston will notify the court that it is dropping this issue from the lawsuit.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. AWD has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the parties can amicably settle the remaining issues in the present lawsuit.

Please contact me with any questions.

Sincerely,

Kevin

Kevin A. Gagne, P.E.
Deputy Director of Utilities

ENCLOSURES: Maine Drinking Water Program's September 5, 2023 letter

---

[1] As the City of Lewiston recently communicated to AWD through counsel, it is Lewiston's position that AWD's current bylaws limit the Board of Trustee's authority to revise and amend the watershed. The Board may more specifically identify and map "these restriction zones" only to the extent the map is consistent with the bylaws' existing definitions of the restriction zones. The Level 1 Intake Restricted Zone is defined to consist "of the shoreline of Lake Auburn upland to the closest roadway." The DWP Potential Boundary is between the shoreline of Lake Auburn and the closest roadway, so adopting it as the Watershed boundary will require a change to the bylaws.

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation, Gracelawn Parcel area, Auburn, ME

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"* (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

The DWP agrees with the CDM Smith finding that the "DWP Potential Boundary" on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report's recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the "Main Pit Area" into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).

- Investigate further and provide an explanation of the apparent "upward head gradients, i.e., groundwater flow into the lake" in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith *Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission* memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:

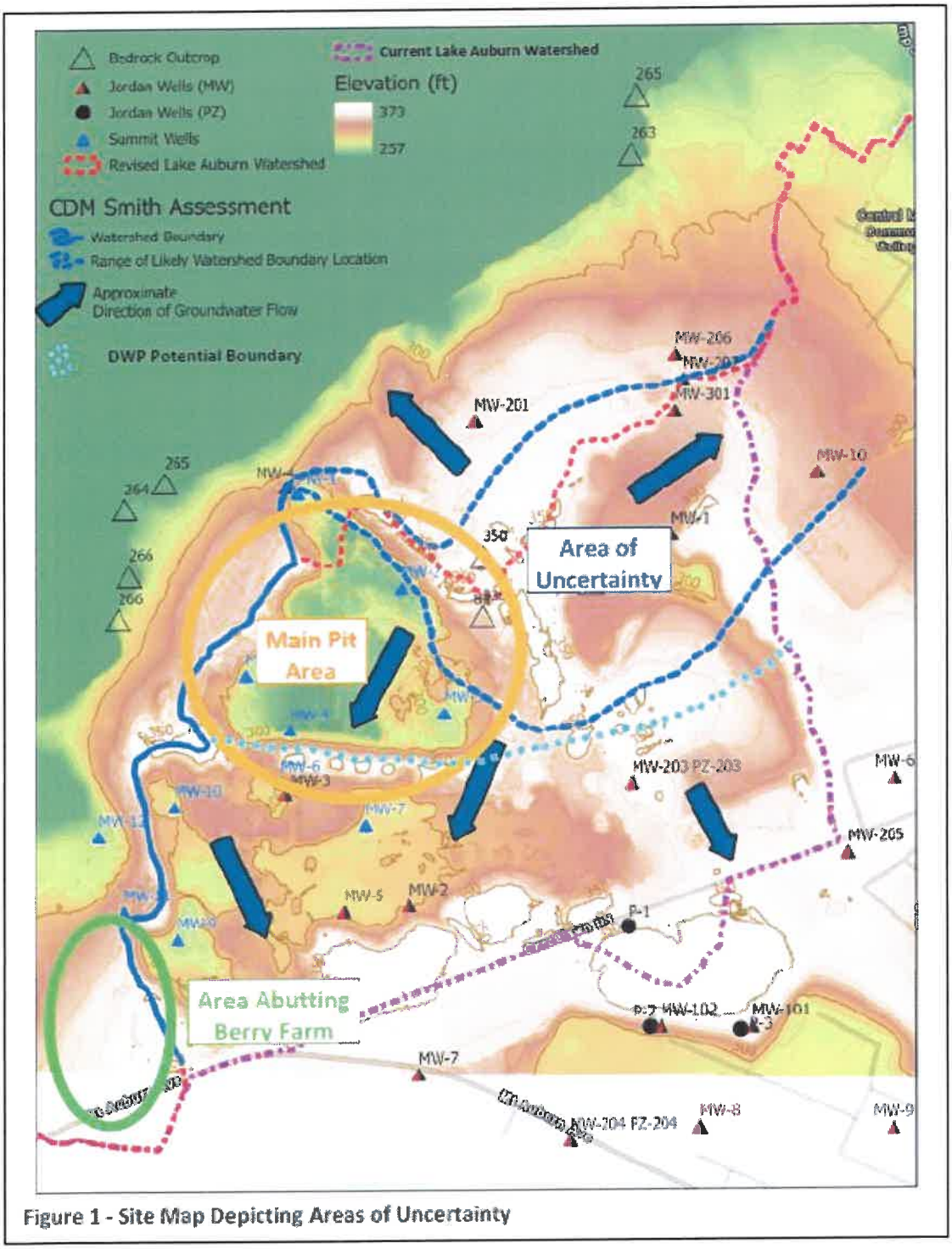


Figure 1 - Site Map Depicting Areas of Uncertainty

Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

Sincerely,

Susan F. Breau

Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

ec Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file

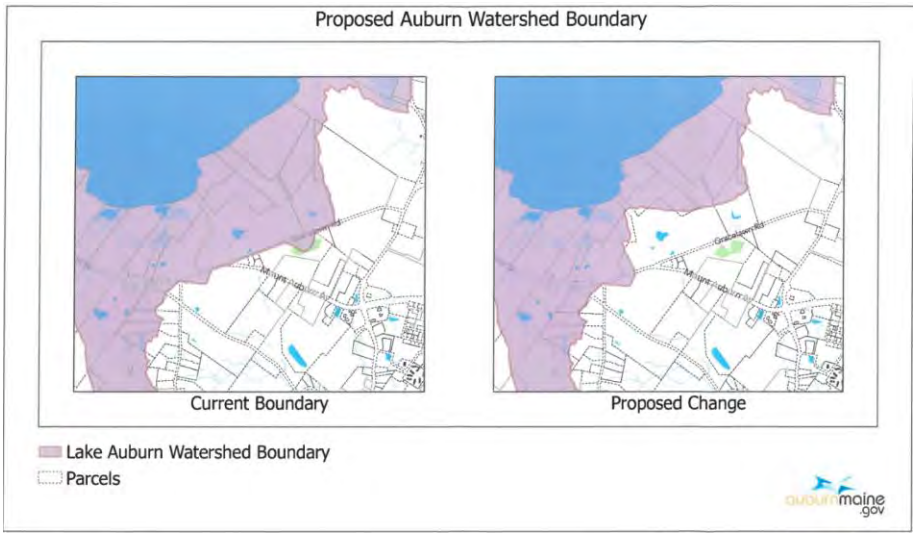
City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: October 10, 2023

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on possible zoning map amendment near Mount Auburn Ave.
Updated 10/05/2023

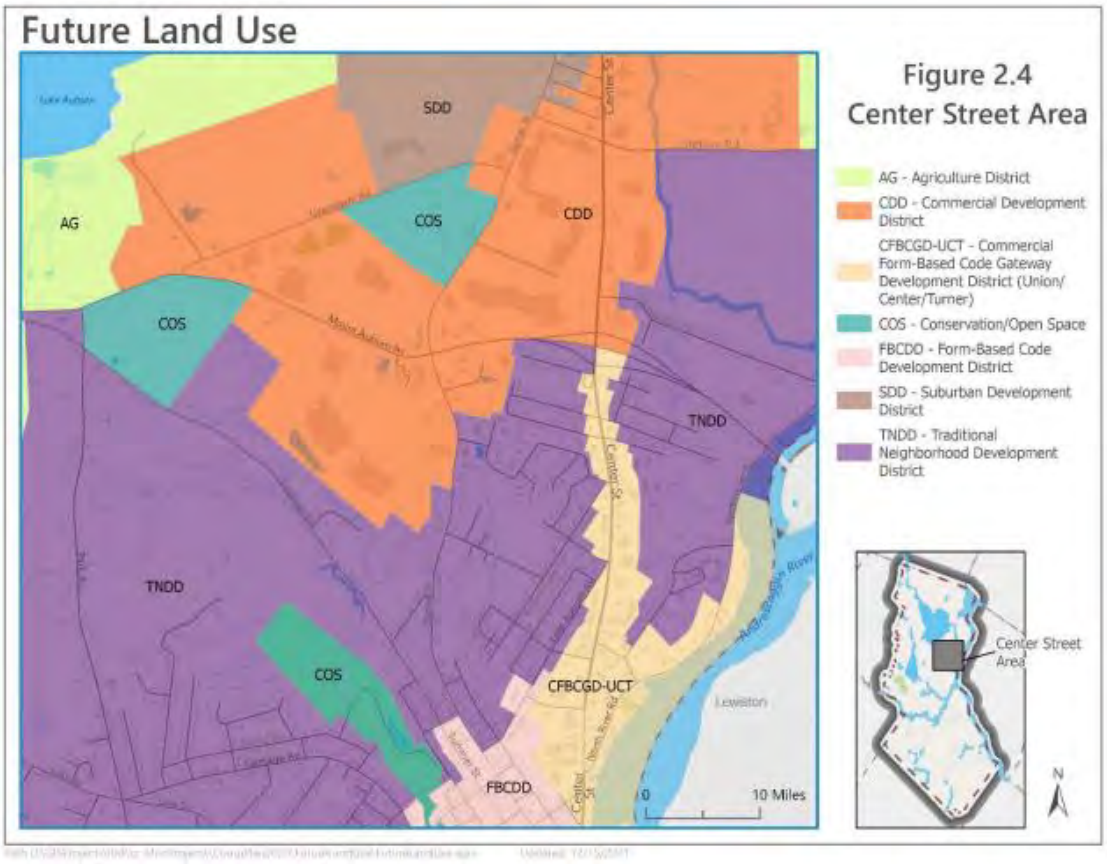
I. **Workshop/ Map Amendment:** New zone considerations for area outside the new Lake Auburn Watershed Overlay at the south side of Lake Auburn

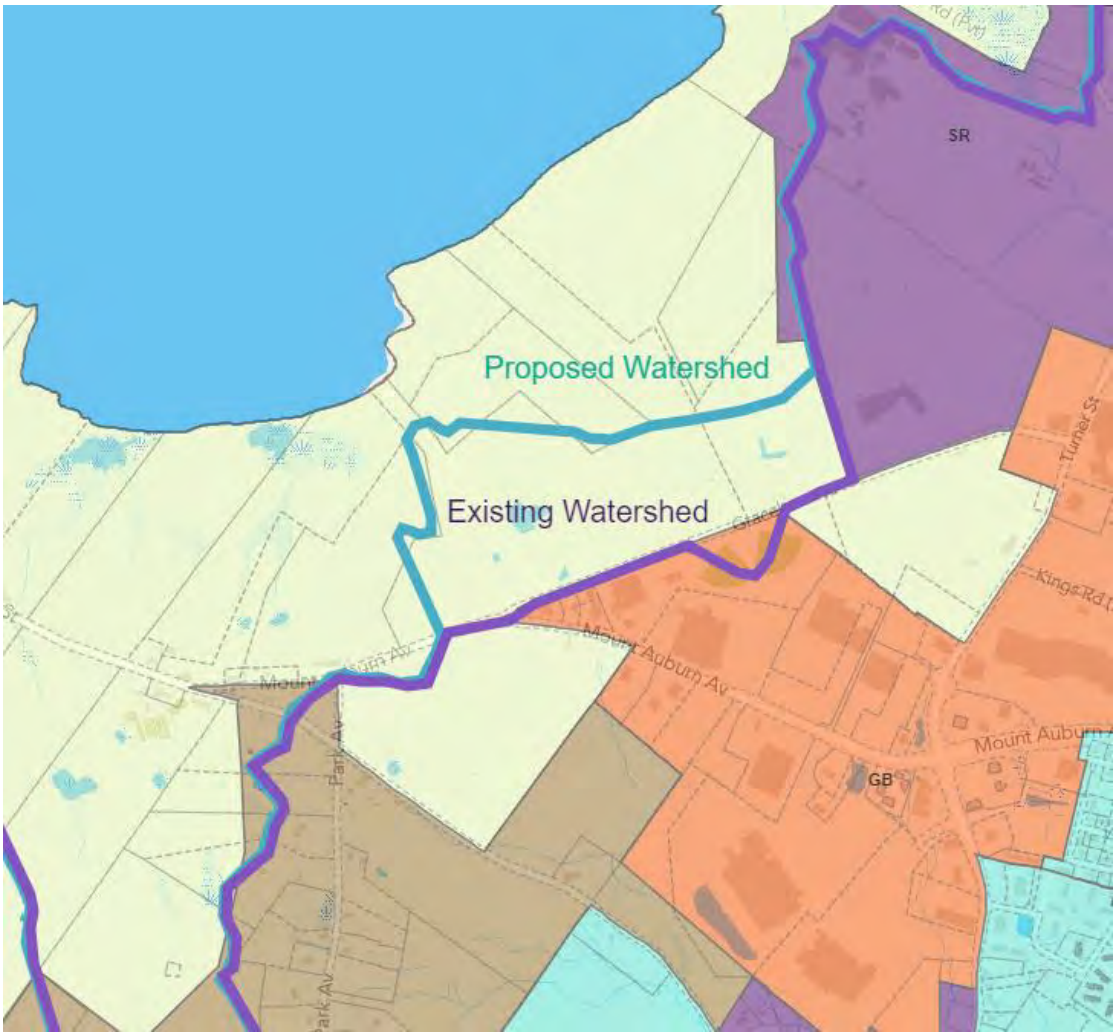
II. **Background:** In November, the planning board will consider updating the Lake Auburn Watershed Overlay zoning map to match the "DWP Potential Boundary" that was agreed upon by the City of Auburn, Auburn Water and Sewer District, and Lewiston Water Division. The land area that is removed from the watershed, approximately 80 acres, is currently zoned Agriculture and Resource Protection. The purpose of this workshop is to discuss what other zone would fit in the Gracelawn area that is no longer in the watershed. A draft map showing the potential zone change is attached.

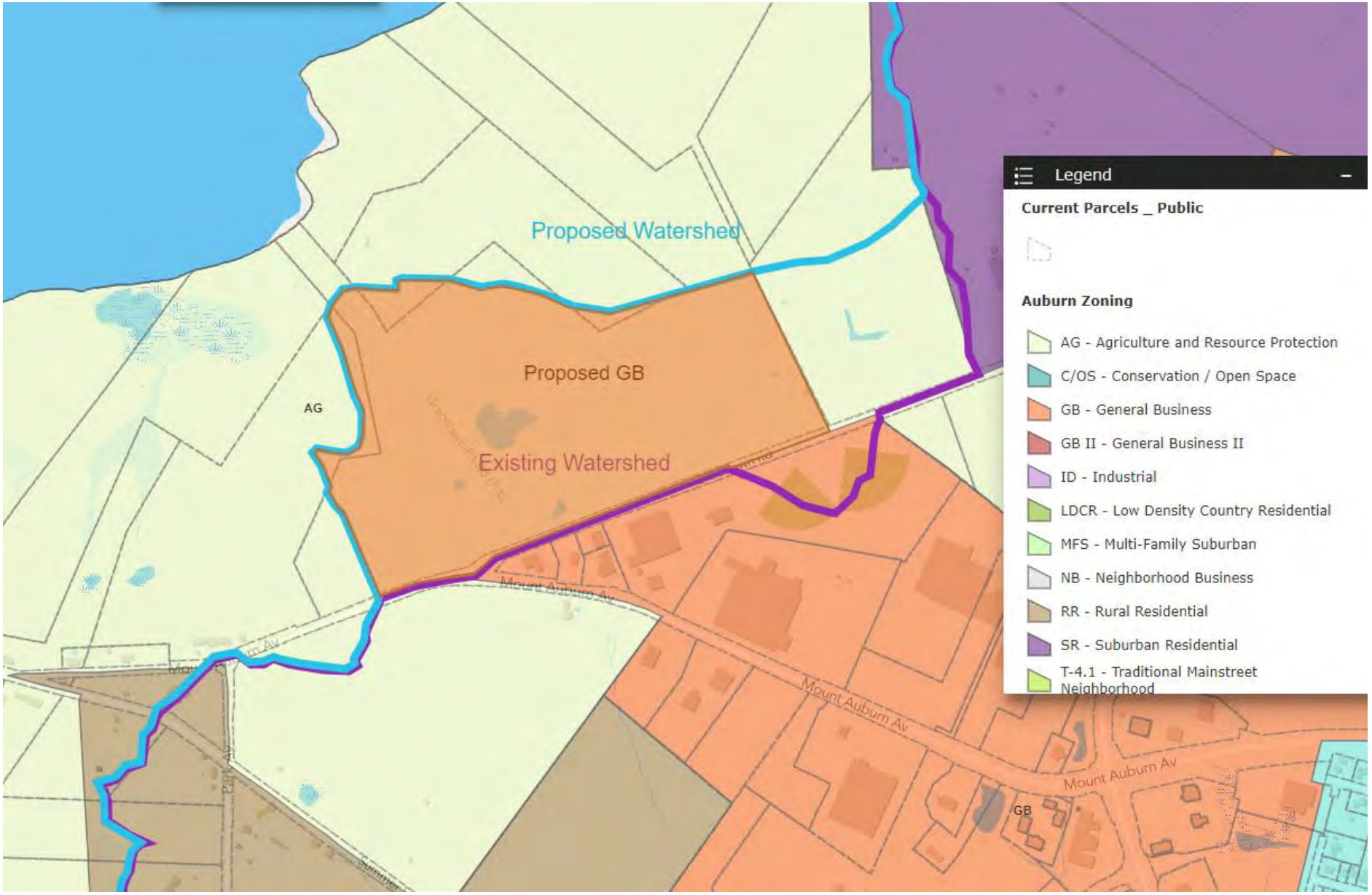


The Future Land Use Plan for the area near Gracelawn to be changed to the Commercial Development District (CDD), which is synonymous with the General Business District in its allowed uses and densities. Staff believes that General Business (GB) would be the most appropriate option to apply in this area based on direction from the 2021 Comprehensive Plan. An important goal for the city is listed in Strategy I.2.3.c in the Comprehensive Plan: to "investigate opportunities for high quality, creative use of vacant land and/or buildings in and around commercial/ industrial centers." This includes rezoning Gracelawn Pits as a planned development site to be used for a mix of office, retail, and residential space, while assuring that the water quality of Lake Auburn is protected, (page 73, Comprehensive Plan). Pursuing a zoning amendment to change the area outside the watershed in the Gracelawn pit area but excluding the landfill parcel achieves the goal of providing opportunity for mixed use development outside of the Lake Auburn Watershed.

III. **Planning Board Action:** Provide questions, comments, feedback, staff, and prepare for public hearing on a zoning map amendment in November.


Future Land Use
Figure 2.4
Center Street Area
AG - Agriculture District
CDD - Commercial Development District
CFBCGD-UCT - Commercial Form-Based Code Gateway Development District (Union/ Center/Turner)
COS - Conservation/Open Space
FBCDD - Form-Based Code Development District
SDD - Suburban Development District
TNDD - Traditional Neighborhood Development District
SDD
AG
COS
CDD
COS
TNDD
TNDD
COS
CFBCGD-UCT
FBCDD
Lewiston
0
10 Miles
Center Street Area
N


SR
Proposed Watershed
Existing Watershed
Turner St
Kings Rd
Mount Auburn Av
GB
Park Av


Proposed Watershed
Proposed GB
Existing Watershed
AG
GB
Mount Auburn Av
Legend
Current Parcels _ Public
Auburn Zoning
AG - Agriculture and Resource Protection
C/OS - Conservation / Open Space
GB - General Business
GB II - General Business II
ID - Industrial
LDCR - Low Density Country Residential
MFS - Multi-Family Suburban
NB - Neighborhood Business
RR - Rural Residential
SR - Suburban Residential
T-4.1 - Traditional Mainstreet Neighborhood

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

(a) *Permitted uses.* The following uses are permitted:

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Wholesale bakeries.

(12) Retail laundries and dry cleaners, but not plants.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Warehouses, wholesale offices, salesrooms and showrooms.

(18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.

(19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(20) Animal hospitals and pet shops, but no kennels.

(21) Business equipment repair and business services.

(22) Radio and television studios.

(23) Printing shops, but not publishing plants.

(24) Retail, service, office and commercial uses similar to the foregoing.

(25) Carwashes.

(26) Accessory uses, building and structures.

(27) Shelters for abused persons.

(28) Greenhouses and lawn maintenance services.

(29) Temporary outdoor places of amusement.

(30) Churches and temples.

(31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(32) Marijuana cultivation accessory to a licensed retail store on the same property.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(1) Automobile filling stations.

(2) Automobile repair and service stations.

(3) Automobile and marine sales lots and sales and service agencies.

(4) Automobile and marine paint and body repair shops.

(5) Hospitals, care homes, boardinghouses and lodginghouses.

(6) Research or philanthropic institutions.

(7) Outdoor theaters.

(8) Drive-in or carry-out restaurants.

(9) Commercial parks.

(10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.

(11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.

(12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

(13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(14) Convenience stores.

(15) Research, experimental and testing laboratories.

(16) Landscape services.

(17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.

(18) Automotive towing and storage.

(19) Major retail development provided that it meets the conditions noted in section 60-45(g).

(20) Outpatient addiction treatment clinics.

(21) Adaptive reuse of structures of community significance.

(22) Public safety services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(23) Government services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

Sec. 60-500. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering

requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)

Secs. 60-501—60-523. Reserved.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

IN COUNCIL REGULAR MEETING SEPTEMBER 18, 2023, VOL. 37 PAGE 80

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 122-09182023***
Confirming Chief Moen's appointment of Brent Bynum as a Constable with firearm for the Auburn Police Department.

2. **Order 123-09182023***
Accepting the transfer of $1,896.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-2020-01965 (St. Hilaire)).

3. **Order 124-09182023***
Accepting the transfer of $2,114.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-2019-02569 (Poulin)).

4. **Order 125-09182023***
Accepting the transfer of $1,421.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-22-2172 (Burnsworth)).

5. **Order 126-09182023***
Accepting the transfer of $557 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-23-1609 (Deam)).

6. **Order 127-09182023***
Authorizing the cancellation of the October 2, 2023 regular City Council meeting and calling a special meeting to be held on October 23, 2023.

7. **Order 128-09182023***
Designating Phil Crowell as the official Voting Delegate and Brian Wood as the alternate Voting Delegate for Auburn at the Maine Municipal Associations Annual Business Meeting scheduled for October 2023.

Councilor Staples requested that item #6, Order 127-09182023 be taken off consent and added to new business.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage of the six remaining consent items.

Passage 7-0.

II. Minutes - September 5, 2023, Regular City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Whiting to approve the minutes of the September 5, 2023, Regular City Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Council Communications (about and to the community)

Mayor Levesque stated that he received a letter from President Joe Biden regarding his recent visit to Auburn. The Mayor read the letter for the public to hear. He also reported that he and Evan Cyr attended the CNU (Congress for the New Urbanism) New England Fall Summit and were presented with the Municipal Innovation Award.

Manager Crowell reported on the shops at Anniversary Park, kayaking opportunities on the river, and last, he noted that we are in search of a Christmas tree for Festival Plaza.

IV. Open Session –

Mike Adler, 82 Loring Avenue, spoke regarding pan handlers in Auburn.

Wayne Souza, Auburn resident read a few quotes.

Chance, who stated that he is a homeless healthcare worker who commented on Facebook and commented that a public official should not be able to block criticisms and voices of the community.

Bob Hayes, 172 Allen Avenue, spoke about what he called flaws in the process of ordinance changes and the form-based planning process.

V. Unfinished Business

1. Ordinance 11-09052023
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B – Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023. **Second reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment. No one from the public spoke.

Failed 0-7. A roll call vote was taken.

2. Ordinance 12-09052023

Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B, T-4.2B Sec. 60-54B Intent and Purpose, Sec. 60-54B.1, Building Placement on Lot, Frontage Buildout, 3. Sec 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. **Second reading.**

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – Ryan Smith, provided handouts for the City Council which he stated outlines flaws in our definitions of structures and dwellings. He stated that there is no definition for a shared private drive adding that he feels it is a flaw that was overlooked.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

3. **Ordinance 13-09052023**
Approving the zoning map amendment T-4.2B & C/OS "Area A1". **Second reading.**

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment - Ryan Smith, 14 Weaver Street provided written comments that were emailed and handed out to the Mayor and City Council. He stated that he was submitting written comments to clarify what the new LD2003 states. He noted that he is all for more flexible zoning, but only with more careful planning and citizen engagement. Included in the handout was a copy of Chapter 5: Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

4. **Ordinance 14-09052023**
Approving the zoning map amendment T-4.2B & C/OS "Area A2". **Second reading.**

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment – Dee Chapman, Vivian Street, spoke in opposition of this proposed ordinance. She stated that the Sun Journal quoted her incorrectly and she wanted that noted. She said she would like to remove the whole T-4.2b in this section.

Mike Adler, 82 Loring Avenue, stated that he would like the Council to vote this down again.

Ryan Smith, 14 Weaver Street provided written comments that were emailed and handed out to the Mayor and City Council. He stated that he was submitting written comments to clarify what the new LD2003 states. He noted that he is all for more flexible zoning, but only with more careful planning and citizen engagement. Included in the handout was a copy of Chapter 5: Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule.

Failed 0-6-1 (Councilor Walker abstained). A roll call vote was taken.

5. **Ordinance 15-09052023**
Approving the zoning map amendment T-4.2B "Area C". **Second reading.**

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment - Ryan Smith, 14 Weaver Street provided written comments that were emailed and handed out to the Mayor and City Council. He stated that he was submitting written comments to clarify what the new LD2003 states. He noted that he is all for more flexible zoning, but only with more careful planning and citizen engagement. Included in the handout was a copy of Chapter 5: Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

6. **Ordinance 16-09052023**
Approving the zoning map amendment T-4.2B "Area D". **Second reading.**

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment – Ryan Smith, 14 Weaver Street expressed concerns that this zone change will save the neighborhoods from LD2003, and he would like to hear more discussion from the Council and would like to hear more regarding parking. He also provided written comments in advance of the meeting that were emailed and handed out to the Mayor and City Council. He stated that he was submitting written comments to clarify what the new LD2003 states. He noted that he is all for more flexible zoning, but only with more careful planning and citizen engagement. Included in the handout was a copy of Chapter 5: Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

7. **Ordinance 17-09052023**
Approving the Zoning Ordinance text amendments (Proposal B1) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2-Agriculture and Resource Protection District. **Second reading.**

Motion was made by Councilor Staples and seconded by Councilor Whiting for passage.

Public comment – No one from the public spoke.

Passage 5-2 (Councilors Gerry and Milks opposed). A roll call vote was taken.

8. **Ordinance 18-09052023**
Approving the Zoning Ordinance text amendments (Proposal B3) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agriculture and Resource Protection District. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor

Pond watershed. **Second reading.**

Motion was made by Councilor Morin and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Failed 0-7. A roll call vote was taken.

9. Ordinance 19-09052023
Approving the AGRP text amendments (Proposal B2) Planning Board proposed change number ten to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. **Second reading.**

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment - No one from the public spoke.

Failed 0-7. A roll call vote was taken.

VI. New Business

Order 127-09182023
Authorizing the cancellation of the October 2, 2023 regular City Council meeting and calling a special meeting to be held on October 23, 2023.

This item was removed from the Consent Agenda.

Motion was made by Councilor Hawes and seconded by Councilor Walker for passage.

Motion was made by Councilor Gerry to add a workshop on October 2, 2023. Motion failed for lack of a second.

Passage of Order 127-09182023 5-2 (Councilor Staples and Gerry opposed).

1. Public hearing
Public Safety Building Referendum scheduled to be submitted to the Auburn voters at the November 7, 2023, Election.

Mayor Levesque opened the public hearing at 7:43 pm.

Matt Dailey, Police Department spoke to endorse the proposed Public Safety Building and addressed some of the needs for adequate space.

Douglas Mathews, also spoke in favor of the proposed Public Safety Building and the need for additional space.

Chance, no last name or address provided, stated that it would be wise for the city to

invest in more protection for the vulnerable, less protected, and homeless.

Jason Moen, Police Chief, spoke regarding the needs of a Public Safety Building and spoke regarding the process that has gotten us to this point. He added that Auburn is growing and very different from 20 plus years ago and they need a location and space to support that.

Bob Chase, Fire Chief, wanted to build on what Chief Moen stated. He stated that there is a financial cost to do nothing as well. Both agencies have much more diverse work forces which will have to be addressed whether this building passes or not, as well as safety issues that will have to be addressed.

Wayne Souza said he has dealt with similar issues and understands it is difficult for the city to reach out to the state for money but when you take that step it makes it easier.

Mike Adler, 82 Loring Ave, stated that he supports Police and Fire, he knows they need a new building, and we need to support our city services, Police, Fire, Public Works, and EMT, and we also have to support the County Sheriff's Department as well.

Mayor Levesque closed the public hearing at 7:59 pm.

2. **Ordinance 20-09182023**
Amending Chapter 24, Article II, Division 1, Sec. 24-33 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits. First reading.

Motion was made by Councilor Gerry and seconded by Councilor Staples for passage.

Public comment – Chance, who stated that he is a homeless health care worker, and a CNA, and stated that we need general assistance during times of harship.

Passage 7-0. A roll call vote was taken.

3. **Order 128-09182023**
Authorizing the partial discontinuance of Chestnut Street.

Motion was made by Councilor Milks and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 5-1-1 (Councilor Whiting abstained, Councilor Walker opposed).

4. **Order 129-09182023**
Authorizing the discontinuance and re-alignment of Miller Street.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 7-0.

5. **Order 130-09182023**
Authorize the city manager to modify the solid waste agreement with Casella to initiate a pilot recycling program within designated areas within the city, by using the allocated funding authorized in the FY24 budget.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 7-0.

6. **Ordinance 21-09182023**
Amending the Code of Ordinances, Chapter 14, Article XVIII Adult Use and Medical Marijuana Business licensing. Public hearing and first reading.

Motion was made by Councilor Staples and seconded by Councilor Whiting for passage.

Public hearing – Hannah King, representing Marc Fishman, respectfully requests council to remove the retroactive language which would add to the license application criteria that is not in the current ordinance. She stated that it also creates a new appeals process. The application that was filed contained all required information. She suggested making it a condition which would make more sense than requiring all those approvals.

Marc Fishman, business owner at 213 Washington Street, Auburn said he would like to see the retroactive language removed. He stated that he included everything that was needed under the current ordinance. He stated that it does not seem like a fair process that could impact, not only his business, but also sets bad precedence for the city of Auburn.

Motion was made by Councilor Hawes and seconded by Councilor Walker to postpone this item until the October 16, 2023 meeting.

Passge 7-0.

VII. **Open Session -** Wayne Souza, commented on cones that are left around the city and also commented on drivers that do not slow down for people in the cross walk.

Chance, spoke regarding inflation, rent control, and wages.

VIII. **Reports (from sub-committees to Council)**

Mayor Levesque reported on the Blues and Brews Festival which was a success. He also noted that he was invited to serve on a state committee for creating permanent homes and financing options for ADU's.

Councilor Staples noted that Thursday is the Annual Meeting for Auburn Public Library starting at 5:30.

City Manager Crowell provided information regarding pan handling in the city. He also provided an update on the lawsuit against the City of Auburn. The judge found in favor of the City of Auburn and American Development Group and the plaintiff has 21 days to file an appeal.

August 2023 Finance Report

Motion was made by Councilor Whiting and seconded by Councilor Gerry to accept and place on file the August Finance report.

Passage 7-0.

IX. Executive Sessions – None

X. Adjournment

Motion was made by Councilor Staples seconded by Councilor Walker to adjourn.

Unanimously approved and the meeting adjourned at 8:42 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

OFFICE OF THE MAYOR | CITY OF AUBURN, MAINE

PROCLAMATION | **EXTRA MILE DAY**

WHEREAS, Auburn, Maine is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Auburn is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Auburn is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Auburn acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2023.

NOW THEREFORE, I Jason Levesque, Mayor of the City of Auburn, do hereby proclaim November 1, 2023, to be Extra Mile Day. I urge each individual in our community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 16th day of October 2023.

Mayor Jason Levesque

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Orders:** 115-09052023

Author: Alison F. Pepin, Deputy City Clerk

Subject: Automobile Graveyard/Junkyard permits renewal

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Reminder letters and applications were sent out 08/15/2023. Inspections have been made. Council approval is required for renewal of these licenses. Because this is a renewal, a public hearing is not required. It has passed inspections conducted by the Code and Fire Departments. This was presented at the 9/5/2023 Council meeting and was postponed to tonigh's meeting.

Title 30-A, Sec. 3754 states "*Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and **may** hold public hearings annually regarding the relicensing of these facilities*".

Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North

---

City Budgetary Impacts: None

Staff Recommended Action: Consider passage to approve the license.

Previous Meetings and History: Annual Renewal

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

1. Automobile Graveyard/Junkyard application
2. Order

Received – 8-24-23

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Police – OK BS 8/24
Fire – OK DO 8/31
Code – OK EC 8/31
Tax – OK TN 8/24

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

****

To the **City of Auburn**, County of **Androscoggin, Maine:** Bryan Mclean/Donald St. Germain

I/We Dons No Preference Towing DBA/Moms Auto Parts hereby Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A MRSA Sections 3751-3760.

All questions must be answered in full.

1. Where is the location of the Automobile Graveyard and/or Junkyard?
   940 Washington St. N.
   Auburn, ME 0421
2. Is this application made by or for a company, partnership, corporation or individual:
   Corporation
3. Is this property leased? NO Property owned by: _____
   Address: 940 Washington St. N. Auburn
4. How is "yard" screened?
   - [X] Fence (type) Wood Height: 8FT
   - [ ] Trees (type) _____
   - [ ] Embankment: _____
   - [ ] Gully: _____
   - [ ] Hill: _____
   - [X] Other: metal 8FT
5. How far is edge of "yard" from center of highway?
   53 FT Center To fence
6. Can junk be seen from any part of highway? Yes____ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No____

City of Auburn, Maine
Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

8. Is any portion of this "yard" on public property? Yes____ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes____ No X

10. When was "yard" established? 1938 By whom? Morris Auto Parts

11. When was last permit issued? 2022 2023 By whom? City of Auburn State of Maine

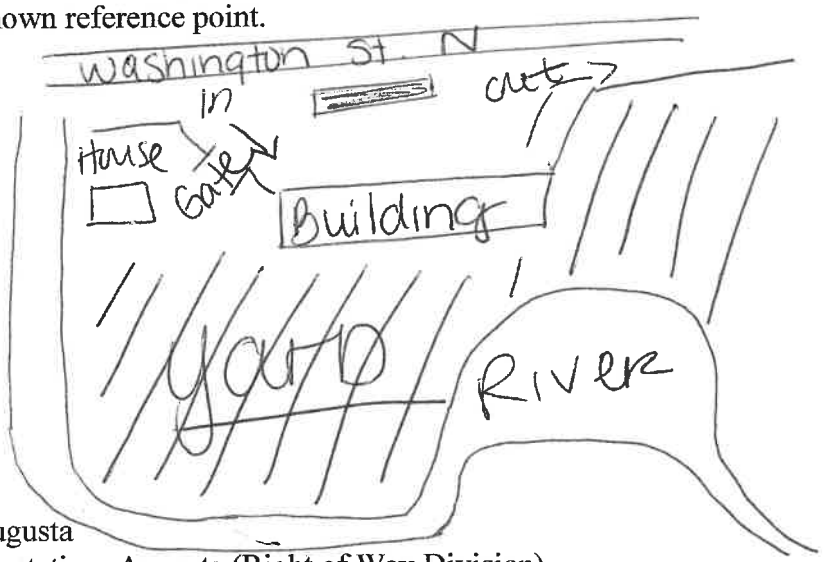
The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: [signature] for: Dons DBA Morris Auto Parts
Name of Company, Corporation, Partnership or Individual

Address: 940 Washington St N. Auburn, ME 04210
PO Box 283 Auburn ME 04212

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 170
Lot No. 020
Zone _____



Check correct direction:
- ☒ North
- ☐ East
- ☐ West
- ☐ South

1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)

I would like to take a moment to introduce myself and tell you a little bit about me. I'm the new president of Don's Towing, Bryan Mclean. I spent my childhood here- from being in the tow trucks, processing/recycling cars, being in the salvage yard with my grandfather to working on our trucks and customer vehicles with my father. This business has been a part of the Lewiston/Auburn community for well over 60 years. A few years ago I officially took over the business from my grandfather Don. I am officially carrying on the grandfathering & legacy of the family business and working hard to make it great again.

Coming into this I knew there was a lot to be updated and taken care of. The scrap yard, front entrance, drive way and the all around appearance. We have been creating processes and procedures on how to take care of these things and keep up to date on them. I share a lot of your concerns and have been working towards addressing them all. The improvements to the business are needed and well overdue. Just like many companies in the area, we have been short staffed recently. Thankfully, we have been able to find a few new candidates to help us in the areas where we need it most.

While working with Eric over the past year we have painted the building and rebuilt the fence. I understand that there are some concerns on the overgrowth of the weeds out front- this summer we started cutting and removing stumps so we can make it easier to care for.

The driveway is a big issue and one that we are finally going to get taken care of this week. Last year we started to lay reclaim near our front door. When they started to tear up the road this year, we had reached out to them to see if we would be able to get more of the reclaim to fix the rest. In exchange for them parking their equipment in our yard, we were able to get more. As you all know there has been a lot of rain and in order to get the driveway leveled out and put the reclaim over it, we needed it to dry up. By leveling it and laying the reclaim- it will be easier on any vehicle that comes into our driveway- as well as cutting down on the dirt and mud that gets brought into the road.

When Eric came to express some of the concerns you had he mentioned the lot (not fenced in, to the left of the building). We are also a used car dealer- and we use that space to hold the vehicles that are too good to process, crush and recycle. We currently use that space as a holding area so we can go over each vehicle one by one and see what they need in order to be fixed for resale to the public and other used car dealers. We have maintained being in compliance with the proper paperwork as a used car dealer. Over the last few years we have hauled into our impound lot at least 150 abandoned vehicles a year off the streets of Lewiston/Auburn. These often come from people abandoning vehicles where they shouldn't be, parking bans, criminal tows and both cities parking garages-anything that the police need us to haul off.

Our facility has also been used by the fire department for training. They train using the jaws of life, cutting up vehicles and training to do extractions. We recently acquired a school bus that they had mentioned wanting when they did their inspection this year. We have since moved it

out back fully processed now ready for them to use for their training. After they are done, it will be recycled.

We have a very large tire pile that we are working on getting rid of. We had BDS (a tire recycling company) bring a tractor trailer truck to remove at least 10 TON of them last week. We are on the schedule for them to come again within the next week to take another 10 TON or more. Once this second load is done we will not have many left. We will continue to have them come as needed to ensure that the tire pile stays low/non-existent, cleaning up the problemed area.

We have also started to monitor the riverbanks. We are creating a "buffer zone" around the property so we can get through the overgrowth and address the debris. We will be working section by section of the riverbank and yard to get it cleaned up. We now have access to a small boat to help maintain and monitor the riverbanks.

I also wanted to explain our process, when processing vehicles to ensure that we are in compliance with the rules & regulations of the city as well as the EPA.

We originally had 2 different zones- one for vehicles with fluids and one for fully drained vehicles. We now have a 3rd zone, a holding zone. Once the car is processed, it gets transferred to the holding zone- where myself or another member of the team will double check to make sure everything is drained, safe, secure and in compliance.

We understand that for years this facility has been a bit... neglected, and now that we have new ownership and a new team that have been working on making improvements everyday.

We are more than happy to take suggestions and work with you all to get this place up to par. Thank you for your time and if you have any questions- please feel free to reach out to me. We look forward to working with you in the future and making this facility a place that the town of Auburn/Lewiston can be proud of.

- Sincerly,

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council
From: Eric Cousens, Director of Planning and Permitting
Re: Junkyard License Inspection – Don's Towing

Date: October 11, 2023

I. **PROPOSAL**: As we have discussed, this junkyard has a history of violations and our inspections have been limited to operational standards because the location predates our zoning and is legally non-conforming with some standards. Some issues have been a result of flooding and we have limited the storage of vehicles with fluids remaining in them to the front portion of the lot and only drained vehicles may be stored out back in the floodplain. Staff reinspected the junkyard on October 11, 2023 and found that they are making improvements as noted in the letter from the new management included in your packet. They have provided receipts for tire removal and reclaim asphalt delivery totaling approximately $10,000 over the past month to show their effort. After legal advice, staff recommends approval with the conditions that will help the business avoid violating junkyard standards and avoid any materials making their way to the river during flooding events. The conditions are noted in the order attached and listed below:

1. Any vehicle containing fluids or batteries shall only be stored or dismantled within the area shown as "Storage of vehicles w/fluids + batteries limited to this area" on an aerial map entitled "940 Washington Street – 2012 Flood Plain Zones – 2013 Aerial" (the "Compliance Plan"), on file in the City's Planning and Permitting Office, and in no event shall any vehicle containing fluids or batteries be stored or dismantled within 100 feet of the normal high water line of the Little Androscoggin River.

2. No vehicles or junk shall be stored or dismantled within 50 feet of the normal high water line of the Little Androscoggin River.

3. Tires shall be stored at least 100 feet from the normal high water line of the Little Androscoggin River, except that if tires are maintained within a fenced enclosure of sufficient height and durability to contain the tires within the enclosure, they may be stored more than 50 feet but less than 100 feet from the normal high water line of the Little Androscoggin River.

4. The used car display area shall be limited to the area of the premises that is located north of the rectangular building shown on the Compliance Plan.

5. The driveway entrance to the premises and exit onto Washington Street North shall at all times be kept free and clear of dust and debris so that dust and debris is not tracked onto Washington Street North or any other public street.

6. Licensee shall cooperate with the City's Director of Planning and Permitting or their designee, who is to conduct inspections of the premises for compliance with (a) these conditions, (b) Sec. 14-74(c) of the Code of Ordinances, and (c) 30-A M.R.S. § 3751 et seq. no less frequently than quarterly. If any violations are observed as a result of such an inspection, they shall be communicated to the licensee for

immediate remediation and, if not immediately remediated, to the City Council for potential suspension or revocation proceedings.

Although these conditions will require some consolidation of stored materials to a smaller footprint, we believe that is necessary for the business in order to comply with local and State Licensing Standards that have been violated over time.

ORDERED, that the City Council hereby approves the annual renewal request for an Automobile Graveyard/Junkyard permit for Don's No Preference Towing of L/A d/b/a Morris Auto Parts, 940 Washington Street North, subject to the following conditions imposed pursuant to Sec. 14-74(a) of the Code of Ordinances and 30-A M.R.S. § 3751 *et seq.*:

1. Any vehicle containing fluids or batteries shall only be stored or dismantled within the area shown as "Storage of vehicles w/fluids + batteries limited to this area" on an aerial map entitled "940 Washington Street – 2012 Flood Plain Zones – 2013 Aerial" (the "Compliance Plan"), on file in the City's Planning and Permitting Office, and in no event shall any vehicle containing fluids or batteries be stored or dismantled within 100 feet of the normal high water line of the Little Androscoggin River.

2. No vehicles or junk shall be stored or dismantled within 50 feet of the normal high water line of the Little Androscoggin River.

3. Tires shall be stored at least 100 feet from the normal high water line of the Little Androscoggin River, except that if tires are maintained within a fenced enclosure of sufficient height and durability to contain the tires within the enclosure, they may be stored more than 50 feet but less than 100 feet from the normal high water line of the Little Androscoggin River.

4. The used car display area shall be limited to the area of the premises that is located north of the rectangular building shown on the Compliance Plan.

5. The driveway entrance to the premises and exit onto Washington Street North shall at all times be kept free and clear of dust and debris so that dust and debris is not tracked onto Washington Street North or any other public street.

6. Licensee shall cooperate with the City's Director of Planning and Permitting or their designee, who is to conduct inspections of the premises for compliance with (a) these conditions, (b) Sec. 14-74(c) of the Code of Ordinances, and (c) 30-A M.R.S. § 3751 *et seq*. no less frequently than quarterly. If any violations are observed as a result of such an inspection, they shall be communicated to the licensee for immediate remediation and, if not immediately remediated, to the City Council for potential suspension or revocation proceedings.

ORDER 115-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Ordinance:** 20-09182023

Author: Jamie Longley, General Assistance Manager-Health & Social Services

Subject: Adoption of Appendices for General Assistance, Effective 10/01/2023 through 9/30/2024

Information: I am seeking approval of the new General Assistance maximums. They Are: Appendix A (The GA overall maximums), Appendix B (the food maximums), Appendix C (Lewiston/Auburn MSA rental maximums), and Recovery Residences.

These maximums are established as a matter of State law based on certain federal and HUD fair market values. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with title 22 M.R.S.A § 4305(4).

****By adopting the new appendices A-C, the program will be in compliance and receive the 70% reimbursement from the State****

City Budgetary Impacts: The overall maximums (Appendix A) are an average increase of $33.51 per person/household per month. The food maximums (Appendix B) are an average increase of $8.72 per individual per month. The housing maximums (Appendix C) are an average increase of $93.40 per unit per month. *There are no changes in appendices D-H.*

Staff Recommended Action: Approval of changes to the General Assistance Appendices A-C, and Recovery Residences as required by State statute and ordinance. Public hearing and passage of 2nd reading.

Previous Meetings and History: This is a yearly approval needed by the council when changes are made to the appendices. Passage of first reading on 9/18/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Health & Social Services FY 23/24
Appendix A, Overall Maximums
Appendix B, Food Maximums
Appendix C, Housing Maximums
Recovery Residences
Ordinance & Adoption form for 23/24

Appendix A
Effective: 10/01/23-09/30/24

2023-2024 GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household 1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	886	1,029	1,316	1,638	2,241
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,103	1,235	1,626	2,049	2,215
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	853	925	1,186	1,543	1,870
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	846	853	1,126	1,408	1,537
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,367	1,593	2,045	2,611	3,201
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	938	1,118	1,360	1,857	2,219

Prepared by MMA
8/2023

COUNTY	1	2	3	4	5*
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,154	1,217	1,509	1,961	2,207
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1,327	1,393	1,834	2,489	3,175

***Note: Add $75 for each additional person.**

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	742	812	951	1,281	1,464
Franklin County	781	834	1,033	1,383	1,695
Hancock County	965	996	1,198	1,521	1,655
Kennebec County	879	899	1,120	1,470	1,587
Knox County	905	913	1,120	1,490	1,592
Lincoln County	1,004	1,013	1,282	1,582	2,069
Oxford County	873	878	1,072	1,514	1,761
Piscataquis County	752	810	1,000	1,326	1,598
Somerset County	810	851	1,098	1,430	1,532
Waldo County	1,041	1,047	1,256	1,558	2,132
Washington County	811	816	1,060	1,328	1,453

*** Please Note: Add $75 for each additional person.**

2023-2024 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2023, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	$ 67.67	$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

Note: For each additional person add $219 per month.

Appendix C
Effective: 10/01/23-09/30/24

2023-2024 GA Housing Maximums
(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! ONLY **consider** adopting the following numbers if these figures are consistent with local rent values. If not, a market survey should be conducted, and the figures altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

Non-Metropolitan FMR Areas

Aroostook County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	134	577	169	726
1	139	598	185	794
2	156	672	216	929
3	218	940	292	1,256
4	243	1,044	333	1,434

Franklin County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	143	616	178	765
1	144	620	190	816
2	175	754	235	1,011
3	242	1,042	316	1,358
4	296	1,275	387	1,665

Hancock County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	191	821	221	950
1	191	821	228	979
2	222	956	274	1,177
3	285	1,227	348	1,496
4	301	1,293	378	1,625

Kennebec County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	171	735	201	864
1	171	735	205	882
2	204	878	256	1,099
3	274	1,176	336	1,445
4	285	1,225	362	1,557

Non-Metropolitan FMR Areas

Knox County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	177	761	207	890
1	177	761	208	896
2	204	878	256	1,099
3	278	1,196	341	1,465
4	286	1,230	363	1,562

Lincoln County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	200	860	230	989
1	200	860	232	996
2	242	1,040	293	1,261
3	300	1,288	362	1,557
4	397	1,707	474	2,039

Oxford County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	169	729	200	858
1	169	729	200	861
2	193	830	244	1,051
3	284	1,220	346	1,489
4	325	1,399	403	1,731

Piscataquis County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	136	587	171	736
1	139	596	184	792
2	168	721	227	978
3	229	985	302	1,301
4	274	1,178	365	1,568

Somerset County	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	155	666	185	795
1	155	666	194	834
2	199	856	250	1,077
3	264	1,136	327	1,405
4	272	1,170	349	1,502

Non-Metropolitan FMR Areas

Waldo County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	209	897	239	1,026
1	209	897	239	1,030
2	236	1,014	287	1,235
3	294	1,264	357	1,533
4	412	1,770	489	2,102

Washington County	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	155	667	185	796
1	155	667	186	799
2	190	818	242	1,036
3	241	1,034	303	1,303
4	254	1,091	331	1,423

Metropolitan FMR Areas

Bangor HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	172	742	203	871
1	196	841	235	1,012
2	250	1,074	301	1,295
3	313	1,344	375	1,613
4	437	1,879	514	2,211

Cumberland Cty. HMFA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	223	959	253	1,088
1	244	1,047	283	1,218
2	322	1,384	373	1,605
3	408	1,755	471	2,024
4	431	1,853	508	2,185

Lewiston/Auburn MSA	Unheated		Heated	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	165	709	195	838
1	171	737	211	908
2	220	944	271	1,165
3	291	1,249	353	1,518
4	351	1,508	428	1,840

Metropolitan FMR Areas

Penobscot Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	163	702	193	831
1	163	702	194	836
2	206	884	257	1,105
3	259	1,114	322	1,383
4	273	1,175	351	1,507

Portland HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	284	1,223	314	1,352
1	327	1,405	366	1,576
2	419	1,803	471	2,024
3	539	2,317	601	2,586
4	660	2,839	738	3,171

Sagadahoc Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	185	794	215	923
1	216	930	256	1,101
2	260	1,118	311	1,339
3	364	1,563	426	1,832
4	432	1,857	509	2,189

York Cty. HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	235	1,010	265	1,139
1	239	1,029	279	1,200
2	295	1,267	346	1,488
3	388	1,667	450	1,936
4	429	1,845	506	2,177

York/Kittery/S. Berwick HMFA	**Unheated**		**Heated**	
Bedrooms	**Weekly**	**Monthly**	**Weekly**	**Monthly**
0	275	1,183	305	1,312
1	280	1,205	320	1,376
2	370	1,592	422	1,813
3	511	2,195	573	2,464
4	654	2,813	731	3,145

2023-2024 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2023 to September 30, 2024.**

APPENDIX A - OVERALL MAXIMUMS

County	Persons in Household					
	1	2	3	4	5	6

NOTE: For each additional person add $75 per month.

(The applicable figures from Appendix A, *once adopted,* should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

Number in Household	Weekly Maximum	Monthly Maximum
1	$ 67.67	$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

NOTE: For each additional person add $219 per month.

APPENDIX C - HOUSING MAXIMUMS

	Unheated		Heated	
Number of Bedrooms	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

MMA
08/23

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is ***not automatically*** entitled to the "maximums" established—applicants must demonstrate need.

1) Electricity Maximums for Households *Without Electric Hot Water*: The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

Number in Household	Weekly	Monthly
1	$19.95	$ 85.50
2	$22.52	$ 96.50
3	$24.97	$107.00
4	$27.53	$118.00
5	$29.88	$128.50
6	$32.55	$139.50

NOTE: For each additional person add $10.50 per month.

2) Electricity Maximums for Households *With Electrically Heated Hot Water*: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

Number in Household	Weekly	Monthly
1	$29.63	$127.00
2	$34.07	$146.00
3	$39.67	$170.00
4	$46.32	$198.50
5	$55.65	$238.50
6	$58.68	$251.50

NOTE: For each additional person add $14.50 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

Number in Household	Weekly Amount	Monthly Amount
1-2	$10.50	$45.00
3-4	$11.60	$50.00
5-6	$12.80	$55.00
7-8	$14.00	$60.00
NOTE: For each additional person add $1.25 per week or $5.00 per month.		

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	$12.80	$55.00
2	$17.40	$75.00
3	$23.30	$100.00
4	$27.90	$120.00

Appendix G
Effective: 10/01/23-09/30/24

2023-2024 Mileage Rate

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. The current rate for approved employment and necessary medical travel etc. is 46 cents (46¢) per mile.

Please refer to the Office of the State Controller for changes to this rate at 626-8420 or visit http://www.state.me.us/osc/

Prepared by MMA
8/2023

Appendix H

Effective: 10/01/23-9/30/24

Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of burial is **$1,475.** The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

Cremation Maximums

The maximum amount of assistance granted for a cremation shall be **$1,025.**

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary

- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed $55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

2023-2024 GA Housing Maximums
Recovery Residences
The following Recovery Residence maximums are in effect from 10/1/2023- 9/30/2024

Non-Metropolitan FMR Areas

Aroostook County	Recovery Residence Rates	
	Weekly	Monthly
	148.88	595.50

Franklin County	Recovery Residence Rates	
	Weekly	Monthly
	153.00	612.00

Hancock County	Recovery Residence Rates	
	Weekly	Monthly
	183.56	734.25

Kennebec County	Recovery Residence Rates	
	Weekly	Monthly
	165.38	661.50

Knox County	Recovery Residence Rates	
	Weekly	Monthly
	165.38	672.00

Lincoln County	Recovery Residence Rates	
	Weekly	Monthly
	186.75	747.00

Oxford County	Recovery Residence Rates	
	Weekly	Monthly
	161.44	645.75

Piscataquis County	Recovery Residence Rates	
	Weekly	Monthly
	148.50	594.00

Somerset County	Recovery Residence Rates	
	Weekly	Monthly
	156.38	599.25

Waldo County	Recovery Residence Rates	
	Weekly	Monthly
	193.13	772.50

Washington County	Recovery Residence Rates	
	Weekly	Monthly
	149.81	599.25

Metropolitan FMR Areas

Bangor HMFA	Recovery Residence Rates	
	Weekly	Monthly
	189.75	759.00

Cumberland Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	228.38	913.50

Lewiston/Auburn MSA	Recovery Residence Rates	
	Weekly	Monthly
	170.25	681.00

Penobscot Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	156.75	627.00

Portland HMFA	Recovery Residence Rates	
	Weekly	Monthly
	295.50	1182.00

Sagadahoc Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	206.44	825.75

York Cty. HMFA	Recovery Residence Rates	
	Weekly	Monthly
	225.00	900.00

York/Kittery/S. Berwick HMFA	Recovery Residence Rates	
	Weekly	Monthly
	258.00	1032.00

ORDINANCE 20-09182023

City Council Ordinance

IN CITY COUNCIL

AMENDING CHAPTER 24, ARTICLE II, DIVISION 1, SEC. 24-23 OF THE GENERAL ASSISTANCE ORDINANCE ANNUAL ADJUSTMENT OF MAXIMUM BENEFITS.

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits to incorporate the following maximum levels of assistance to be effective on and after October 1, 2023 through September 30, 2024, as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

(a) Each year the Maine Municipal Association provides the city three appendices providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:

(1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.

(2) Appendix B, a listing of maximum levels of assistance for food.

(3) Appendix C, a listing of maximum levels for heated and unheated housing.

(b) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the Office of the City Clerk.

Editor's note— The appendices referred to in this section are not codified but are available in the office of the city clerk.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Ordinance:** 21-09182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Amending Chapter 14, Article XVIII Adult Use and Medical Marijuana Businesses

---

Information: The proposed ordinance amendments provides the city clerk with the authority to issue marijuana licences and requires the applicant provide evidence of all State approvals or conditional approvals, evidence of all land use approvals or condidtional land use approvals, and evidence of all other local approvals or conditional approvals required to operate a marijuana business at the subject premises, and also outlines the appeals process.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage

Previous Meetings and History: Presented at the 09/18/2023 Council meeting for the first reading, a public hearing was held, and this item was postponed until tonight's meeting.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDINANCE 21-09182023

City Council Ordinance

IN CITY COUNCIL

Amending the Code of Ordinances, Chapter 14, Business Licenses and Permits, Article XVIII. Adult Use and Medical Marijuana Businesses

Be it ordained, that the City Council hereby approves the amendment of Chapter 14, Business Licenses and Permits, of the Code of Ordinances as follows (additions are underlined; deletions are ~~struck through~~):

ARTICLE XVIII. ADULT USE AND MEDICAL MARIJUANA BUSINESSES

Sec. 14-650. Title

This article shall be known and cited as the "City of Auburn Adult Use and Medical Marijuana Businesses Ordinance" and will be referred to hereinafter as "this ordinance". This ordinance limits all subject adult use and medical marijuana businesses to the zoning districts specified under the auburn zoning ordinance, prescribes definitions of adult use and medical marijuana businesses, and provides for permitting/licensing and regulation of adult use and medical marijuana businesses, and provides performance standards for adult use and medical marijuana businesses.

Sec. 14-651. Authority and applicability.

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421 et seq.; and the city's home rule

authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. § 3001 et seq., and 30-A M.R.S. § 4301 et seq.

Sec. 14-652. Purpose.

It is the purpose of this ordinance to regulate adult use and medical marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of adult use and medical marijuana businesses in Auburn.

Persons or entities wishing to establish an adult use or a medical marijuana business within the City of Auburn shall first obtain a license from the Auburn City ~~Council~~Clerk ~~(hereinafter "the city council")~~ and shall be subject to the provisions of this ordinance.

This ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

Sec. 14-654. Effective date; applicability date.

The effective date of this ordinance [from which this article derived], and the business licensing thereunder, shall be the date of adoption by the city council. Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Article evidenced by Ordinance 21-09182023, when enacted, shall govern any proposed license application for which an application has not been submitted to and finally acted upon by the City prior to July 1, 2023.

Sec. 14-657. License required.

No person may establish, operate or maintain a marijuana business without first obtaining a license from the city ~~council~~clerk.

It is a violation of this ordinance for any person to operate a marijuana business without a valid marijuana business license issued by the city clerk pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an adult use marijuana business may not submit an application for a license unless the applicant has been issued a conditional license by the ~~s~~State of ~~m~~Maine to operate the adult use marijuana business.

Marijuana business licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

Registered caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. Registered caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S.A. § 1502. Home cultivation of adult use marijuana for personal use is

exempt from the licensing requirements of this ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

Sec. 14-658. Application procedure.

(a) *An application for a license must be made on a form provided by the city.*

(b) *All applicants must be qualified according to the provisions of this ordinance.* Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this ordinance.

(c) *Application to establish a marijuana business*.

(1) If the applicant who wishes to operate a marijuana business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a marijuana business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

(2) The completed application for a marijuana business license shall contain the following information and shall be accompanied by the following documents:

a. If the applicant is an individual means the individual shall state their legal name and any aliases, and submit proof that they are at least 21 years of age.

b. If the applicant is a partnership. The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least 21 years of age.

c. If the applicant is a corporation. The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least 21 years of age.

d. If the applicant is a limited liability company (LLC). The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least 21 years of age.

e. If the applicant intends to operate the marijuana business under a name other than that of the applicant, they must state the marijuana business' name and submit the required registration documents.

f. If the applicant, an officer, member or employee has been convicted of criminal activity under state and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

g. If the applicant has had a previous license under this ordinance or other similar marijuana business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the marijuana business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must

list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

h. If the applicant holds any other permits/licenses under this ordinance or other similar marijuana business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of marijuana business for which the applicant is seeking a license.

j. The location of the proposed marijuana business, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

l. The applicant's mailing address and residential address.

m. Recent passport-style photograph(s) of the applicant(s).

n. The applicant's driver's license.

o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

p. A copy of a city tax map depicting: The subject property lines and the property lines of other properties containing any existing marijuana businesses within 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 750 feet of the subject property, measured in accordance with section 14-659.

q. Evidence of all State approvals or conditional approvals required to operate a marijuana business at the subject premises.

r. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, a building permit, site plan approval, change of use permit or certificate of occupancy for the subject premises.

s. Evidence of all other local approvals or conditional approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, food service establishment licenses.

All applications for a marijuana business license shall be kept confidential by the city.

(4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.

(5) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and

managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

(e) *Application and license fees.* All applications must be submitted with a $500.00 fee. If an application is approved, the following license fees must be paid before the city will issue a license:

Marijuana store. Annual operation license fee: $5,000.00.

Marijuana manufacturing facility. Annual operation license fee: $2,500.00.

Marijuana testing facility. Annual operation license fee: $2,500.00.

Adult use marijuana cultivation:

Tier 1. 0—500 square feet of plant canopy—Annual permit/licensing fee: $1,000.00.

Tier 2. 501—2,000 square feet of mature plant canopy—Annual license fee: $1,500.00.

Tier 3. 2,001—7,000 square feet of mature plant canopy—Annual license fee: $2,500.00.

Tier 4. Greater than 7,000 square feet of mature plant canopy—Annual license fee: $5,000.00.

Medical marijuana cultivation. Annual operation license fee: $1,000.00.

Adult use marijuana nursery cultivation. Annual license fee: $1,000.00 (Plant canopies of individual nursery cultivations are permanently capped at 1,000 square feet.)

Renewal applicants for adult use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for adult use marijuana cultivation licenses may not hold more than three such licenses or a total combined plant canopy in excess of 30,000 square feet.

(f) *Complete application*. In the event that the city clerk determines that a submitted application is not complete, the city clerk shall notify the applicant that the application is not complete and shall inform the applicant of the additional information required to process the application.

Sec. 14-662. Appeals.

(a) Any parties aggrieved by a decision of the city clerk under this ordinance may bring the following appeals to the city council:

(1) Appeal by the applicant of the city clerk's denial of an application;

(2) Appeal by the applicant of any license granted by the city clerk with conditions to which the applicant/licensee objects; and

(3) Appeal by any aggrieved party having legal standing of any decision by the city clerk to grant a license under this ordinance.

(b) Appeals must be filed in writing with the office of the city clerk or designee within 30 days of the date of the decision subject to appeal.

(c) The city council shall hold a *de novo* hearing on an appeal within 30 days of the date the appeal is received by the city, unless all parties consent to an enlargement of that time period. It shall be the duty of the city clerk

City Council Ordinance

or designee to notify such parties of the time and place of the hearing. At the hearing, the city council will receive evidence on the application. Following the hearing, the city council shall issue a written decision on the appeal with its findings of fact and conclusions of law.

(d) The city council may approve any application previously denied by the city clerk only upon the affirmative vote of five or more members of the city council.

(e) An appeal from any final decision of the city council may be taken by any party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: October 16, 2023 **Public Hearing**

Author: John Blais

Subject: Public Hearing, discontinuance of 250+/- Chestnut Street as a city street per § 3026-A

Information: Step two, in a three-step process once a recommendation is made by the Planning Board. 1. File order of discontinuance for notification of abutters. (9.19.23) **2. Public Hearing, notification to abutters (10. 16. 23)**. 3. Approval of order minimum 10 days after the public hearing (11.06.23).

Today the City Council should hold a public hearing on the discontinuance of Chestnut Street.

A. The Location of the town way or public easement is attached.
B. Notification of abutting property owners is complete; Notified through certified mail.

City Budgetary Impacts: None known.

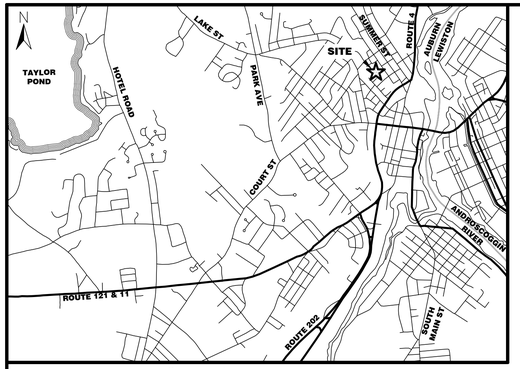
Staff Recommended Action: Hold public hearing, no vote required.

Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023, City Councilor Order and 1st vote September 19, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order of Discontinuance (attested copy by City Clerk)



LOCATION MAP 1" = 1/2 MILE

NOTES

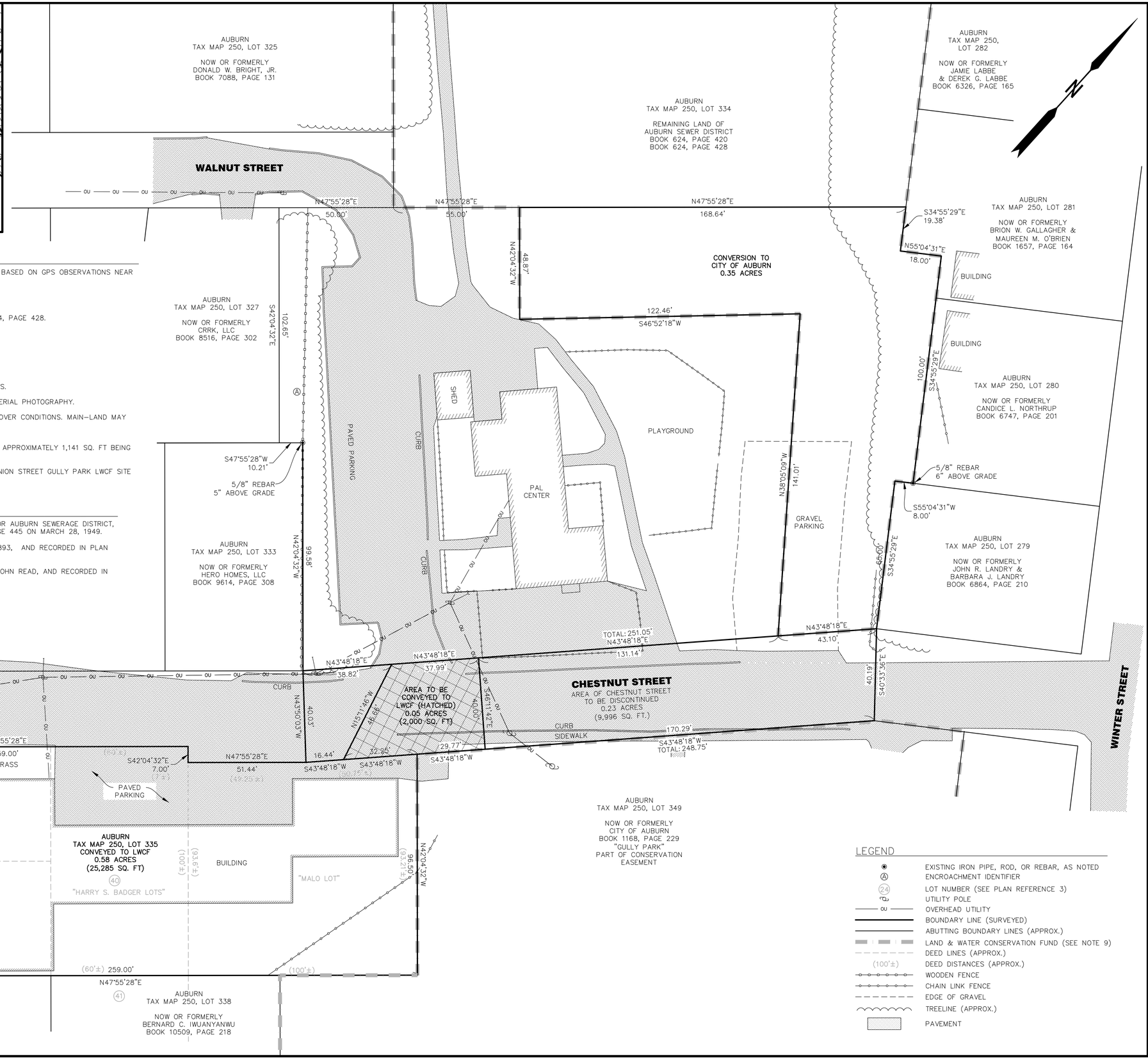
1. ALL BEARINGS ARE REFERENCED TO MAINE STATE GRID, WEST ZONE, NAD83 AND BASED ON GPS OBSERVATIONS NEAR THE SURVEYED PARCEL.
2. CITY OF AUBURN: TAX MAP 250, LOTS 309, 310, 311, 325, AND 334.
3. OWNER OF RECORD AT TIME OF SURVEY
   LOT 334 – AUBURN SEWER DISTRICT: BOOK 624, PAGE 420 & BOOK 624, PAGE 428.
   LOT 335 – SULTAN CORP.: BOOK 5488, PAGE 202
4. AREA SUMMARY:

CHESTNUT ST. DISCONTINUANCE	0.23 ACRES, MORE OR LESS.
TO CITY OF AUBURN	0.35 ACRES, MORE OR LESS.
CHESTNUT ST. TO LWCF	0.05 ACRES, MORE OR LESS.
7 CHESTNUT ST. TO LWCF	0.58 ACRES, MORE OR LESS.

5. ALL BOOK AND PAGES REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
6. TREELINE SHOWN ARE APPROXIMATE AND WERE DIGITIZED FROM GOOGLE EARTH AERIAL PHOTOGRAPHY.
7. BOUNDARY SURVEY FIELD WORK WAS PERFORMED BY MAIN–LAND UNDER SNOW COVER CONDITIONS. MAIN–LAND MAY ADJUST PLAN AND FINDINGS IF ADDITIONAL EVIDENCE BECOMES AVAILABLE.
8. SUMMARY OF APPARENT ENCROACHMENTS:
   A. WOODEN FENCE IS OVER THE BOUNDARY LINE ONTO THE SURVEYED PARCEL. APPROXIMATELY 1,141 SQ. FT BEING USED BY LOT 327.
9. CONSERVATION EASEMENT IS APPROXIMATE AND BASED ON A PLAN ENTITLED, "UNION STREET GULLY PARK LWCF SITE PLAN", MADE FOR THE CITY OF AUBURN.

PLAN REFERENCES

1. "PROPERTY OF AUBURN SEWERAGE DISTRICT DENNISON STREET GULLEY", MADE FOR AUBURN SEWERAGE DISTRICT, SURVEYED BY GEO. H. BARRON, ENGINEER, AND RECORDED IN PLAN BOOK 8, PAGE 445 ON MARCH 28, 1949.
2. "PLAN OF LAND IN AUBURN, MAINE BELONGING TO FERDINAND PENLEY", DATED 1893, AND RECORDED IN PLAN BOOK UAUB, PAGE 8 AND 9.
3. "PLAN OF LOTS IN AUBURN", MADE FOR HOSEA MAILY (MANLEY), SURVEYED BY JOHN READ, AND RECORDED IN PLAN BOOK 2, PAGE 40 ON APRIL 3, 1875.



LEGEND

- EXISTING IRON PIPE, ROD, OR REBAR, AS NOTED
- (A) ENCROACHMENT IDENTIFIER
- (24) LOT NUMBER (SEE PLAN REFERENCE 3)
- UTILITY POLE
- ou OVERHEAD UTILITY
- BOUNDARY LINE (SURVEYED)
- ABUTTING BOUNDARY LINES (APPROX.)
- LAND & WATER CONSERVATION FUND (SEE NOTE 9)
- DEED LINES (APPROX.)
- (100'±) DEED DISTANCES (APPROX.)
- WOODEN FENCE
- CHAIN LINK FENCE
- EDGE OF GRAVEL
- TREELINE (APPROX.)
- PAVEMENT

MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDC.COM

PLAN SHOWING

CONVEYANCES & PARTIAL DISCONTINUANCE OF CHESTNUT STREET

CHESTNUT ST, WEBSTER ST, & WALNUT ST, CITY OF AUBURN, COUNTY OF ANDROSCOGGIN, STATE OF MAINE

OWNER OF RECORD

CITY OF AUBURN

60 COURT STREET,
AUBURN, MAINE 04210

MADE FOR

CITY OF AUBURN

C/O WOODARD & CURRAN
41 HUTCHINSON DRIVE,
PORTLAND, MAINE 04102

DRAWING SCALE:

20 0 10 20
(IN FEET)
1 INCH = 20 FT

REVISION NOTES:

PROJ. MGR:	CLB
DRAWN BY:	CLB
CHECKED BY:	TJG
REVISION NO.	N/A
SURVEY DATE:	2023–03–08
SUBMISSION DATE:	2023–08–31
SUBMITTED FOR:	REVIEW

CONVEYANCES

SEAL:

DRAFT

CHARLES L. BUKER PLS #2397

DRAWING NO.
S3.1

MLDC NO. 23–030 1 OF 1

Exhibit B
0.23 Acre (9,996 sq. ft.) Discontinuance of a Portion of Chestnut Street
City of Auburn, County of Androscoggin, State of Maine
September 1, 2023

A portion of land of Chestnut Street, so-called, between Winter Street, so-called, and Webster Street, so-called, in the City of Auburn, County of Androscoggin, and State of Maine, being more particularly bounded and described as follows, to wit:

Beginning at a point on the northwesterly side of Chestnut Street at the southwesterly corner of land now or formerly of John R & Barbara J. Landry (Book 6864, Page 210), said point being in a general southwesterly direction, along the northwesterly side of Chestnut Street, a distance of 90 feet, more or less, from the westerly side of Winter Street;

Thence, from the Point of Beginning, South 40° 33' 36" East, crossing said Chestnut Street, a distance of 40.19 feet to a point on the southeasterly side of Chestnut Street and the northwesterly side of land now or formerly of the City of Auburn (Book 1168, Page 229);

Thence, South 43° 48' 18" West, along the said southeasterly side of Chestnut Street, said land now or formerly of the City of Auburn, and land now or formerly of Sultan Corp (Book 5488, Page 202), a distance of 248.75 feet to a point;

Thence, North 43° 50' 03" West, crossing said Chestnut Street, a distance of 40.03 feet to a point on the said northwesterly side of Chestnut Street at the southeasterly corner of land now or formerly of Hero Homes, LLC (Book 9614, Page 308), said point being in a general northeasterly direction, along the northwesterly side of Chestnut Street, a distance of 209 feet, more or less, from the easterly side of Webster Street;

Thence, North 43° 48' 18" East, along the said northwesterly side of Chestnut Street and land now or formerly of the City of Auburn (Book 1168, Page 229), a distance of 251.05 feet to the Point of Beginning.

The above-described parcel of land contains 0.23 acres, more or less (9,996 sq. ft, more or less).

All bearings are referenced to Maine State Grid, West Zone, NAD and based on a plan entitled, "Plan showing Conveyances & Partial Discontinuance of Chestnut Street", made for the City of Auburn, dated August 31, 2023, surveyed by Main-Land Development Consultants, Inc.

All Book and Pages refer to the Androscoggin County Registry of Deeds.

Meaning and intending to describe a portion, and only a portion, of Chestnut Street to be discontinued by the City of Auburn.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To Auburn City Council
From: Auburn Planning Board
Re: Recommendation on the discontinuance of Chestnut Street

Date: September 12, 2023

PROPOSAL: PUBLIC HEARING Discontinuance of Chestnut Street (250+/- feet): This section of road is shown on the map below and is part of larger project with the redevelopment of the PAL Center. This project will adhere to Chapter 46, Article VI, Division 3, Section 46-374 and Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies.

Motion: Riley Bergeron; **second:** Tim DeRoche

"I make a motion to provide a positive recommendation to discontinue (252.05') section of Chestnut Street which more fully described in Exhibit B and Easement Conveyances & Partial Discontinuance Plan dated August 31st, 2023, as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) and under Sec. 46-374 of the City of Auburn Ordinance."

VOTE: 7-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Staff Report on Discontinuance of Chestnut Street

Date: September 12, 2023

I. PROPOSAL: City Staff is requesting the city to discontinue 252.05' +/- of Chestnut Street/Public Way, as a City Street, to provide a more robust site plan that assists in the development of the new PAL center. The discontinuance of the" town way" will follow the Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) Description on the proposed portion of Chestnut Street Discontinuance is described and will be recorded at the Androscoggin County registry of deeds. (See Exhibit B and Conveyances & Partial Discontinuance Plan of Chestnut Street).

II. Department Review:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests a planning board discuss the plan and Discontinuance. Staff then recommends that the Board forward a positive recommendation to the Council under Sec. 46-374 supporting the proposed changes at this planning board meeting.

IV. *Suggested Motion:* I make a motion to provide a positive recommendation to discontinue (252.05') section of Chestnut Street which more fully described in Exhibit B and Easement Conveyances & Partial Discontinuance Plan dated August 31st, 2023, as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) and under Sec. 46-374 of the City of Auburn Ordinance.

ORDER

City Council Order

IN CITY COUNCIL

ORDERED, that Chestnut Street, as laid out on plan and titled "Conveyances & Partial Discontinuance of Chestnut Street", as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds , is hereby discontinued 250' +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

Exhibit B
0.23 Acre (9,996 sq. ft.) Discontinuance of a Portion of Chestnut Street
City of Auburn, County of Androscoggin, State of Maine
September 1, 2023

A portion of land of Chestnut Street, so-called, between Winter Street, so-called, and Webster Street, so-called, in the City of Auburn, County of Androscoggin, and State of Maine, being more particularly bounded and described as follows, to wit:

Beginning at a point on the northwesterly side of Chestnut Street at the southwesterly corner of land now or formerly of John R & Barbara J. Landry (Book 6864, Page 210), said point being in a general southwesterly direction, along the northwesterly side of Chestnut Street, a distance of 90 feet, more or less, from the westerly side of Winter Street;

Thence, from the Point of Beginning, South 40° 33' 36" East, crossing said Chestnut Street, a distance of 40.19 feet to a point on the southeasterly side of Chestnut Street and the northwesterly side of land now or formerly of the City of Auburn (Book 1168, Page 229);

Thence, South 43° 48' 18" West, along the said southeasterly side of Chestnut Street, said land now or formerly of the City of Auburn, and land now or formerly of Sultan Corp (Book 5488, Page 202), a distance of 248.75 feet to a point;

Thence, North 43° 50' 03" West, crossing said Chestnut Street, a distance of 40.03 feet to a point on the said northwesterly side of Chestnut Street at the southeasterly corner of land now or formerly of Hero Homes, LLC (Book 9614, Page 308), said point being in a general northeasterly direction, along the northwesterly side of Chestnut Street, a distance of 209 feet, more or less, from the easterly side of Webster Street;

Thence, North 43° 48' 18" East, along the said northwesterly side of Chestnut Street and land now or formerly of the City of Auburn (Book 1168, Page 229), a distance of 251.05 feet to the Point of Beginning.

The above-described parcel of land contains 0.23 acres, more or less (9,996 sq. ft, more or less).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

All bearings are referenced to Maine State Grid, West Zone, NAD and based on a plan entitled, "Plan showing Conveyances & Partial Discontinuance of Chestnut Street", made for the City of Auburn, dated August 31, 2023, surveyed by Main-Land Development Consultants, Inc.

All Book and Pages refer to the Androscoggin County Registry of Deeds.

Meaning and intending to describe a portion, and only a portion, of Chestnut Street to be discontinued by the City of Auburn. All rights for public and private utilities are retained per § 3026-A, (6)

ABUTTERS:

John & Barbara Landry	Sultan Corp	Hero Homes LLC
28 Winter Street	PO Box 7065	19 Fae Lane
Auburn, Maine 04210	Lewiston, Maine 04242	Gorham, Maine 04038
PID 250-279	PID 250-335	PID 250-333

DAMAGES:
Amount of Damages: $0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

PUBLIC EASEMENT: All rights for public and private utilities are retained per § 3026-A, (6)

Abstained	**In Favor**	**In-Favor**
Richard Whiting	Ryan Hawes	Stephen G. Milks
In-Favor	**Against**	**In-Favor**
Joseph Morin	Leroy G. Walker	Dana Staples

In-Favor
Belinda A. Gerry

Motion carries 5-1-1 on September 18, 2023

Vote Attested by City Clerk:

Partial Discontinuance of Chestnut Street – Waiver of Damages -7 Chestnut Street
PID 250-335

TO: Sultan Corp, Property Owners, 7 Chestnut Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has frontage on two streets including Chestnut Street and Webster Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damage to the abutting property owners is warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance of a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. **By October 1, 2023**.

OPTIONS:

- o I agree that no damages are warranted or due to me for the discontinuance of a portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.

- o I disagree with the preliminary determination and will request damages in the amount of $_____to move forward with the proposed discontinuance.

- o I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser to determine if damages are warranted.

Date: _____ **Printed Name:**_____

Signature: _____

Please contact me with any questions at 333-6601, ext. 1334

Partial Discontinuance of Chestnut Street – Waiver of Damages -16 Chestnut Street
PID 250-333

TO: Hero Homes LLC, Property Owners, 16 Chestnut Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has a frontage on one street, Chestnut Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damages to the abutting property owners are warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance of a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. By October 1, 2023.

OPTIONS:

- o I agree that no damages are warranted or due to me for the discontinuance of a portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.

- o I disagree with the preliminary determination and will request damages in the amount of $_____to move forward with the proposed discontinuance.

- o I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser determine if damages are warranted.

Date: _____ **Printed Name:**_____

Signature: _____

Please contact me with any questions at 333-6601, ext. 1334

Partial Discontinuance of Chestnut Street – Waiver of Damages -28 Winter Street
PID 250-279

TO: John & Barabara Landry, Property Owners, 28 Winter Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has frontage on two streets including Chestnut Street and Winter Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damages to the abutting property owners are warranted. This letter is to verify if you agree with that determination or if you would prefer that the City investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. By October 1, 2023.

OPTIONS:

- o I agree that no damages are warranted or due to me for the discontinuance of portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.

- o I disagree with the preliminary determination and will request damages in the amount of $_____to move forward with the proposed discontinuance.

- o I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser determine if damages are warranted.

Date: _____ **Printed Name:**_____

Signature: _____

Please contact me with any questions at 333-6601, ext. 1334

Partial Discontinuance of Chestnut Street – Waiver of Damages -16 Chestnut Street
PID 250-333

TO: Hero Homes LLC, Property Owners, 16 Chestnut Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has a frontage on one street, Chestnut Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damages to the abutting property owners are warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance of a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. By October 1, 2023.

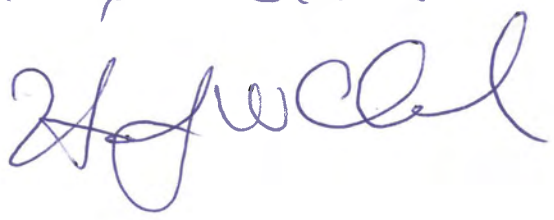
OPTIONS:

- X I agree that no damages are warranted or due to me for the discontinuance of a portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.

- o I disagree with the preliminary determination and will request damages in the amount of $ _____ to move forward with the proposed discontinuance.

- o I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser determine if damages are warranted.

Date: 26Sep2023 **Printed Name:** Hanley W Clark

Signature: 

City of Auburn
City Council Information Sheet

Council Meeting Date: October 16, 2023 **Public Hearing**

Author: John Blais

Subject: Public Hearing, discontinuance of 90.94+/- Miller Street as a city street per § 3026-A

Information: Step two, in a three- step process once a recommendation is made by the Planning Board. 1.) File order of discontinuance for notification of abutters. (9.19.23) **2. Public Hearing, notification to abutters (10. 16. 23).** 3.Approval of order minimum 10 days after the public hearing (11.06.23).

Today the City Council should hold a public hearing on the discontinuance of Miller Street.

A. The Location of the town way or public easement is attached.
B. Notification of abutting property owners is complete via Certified Mail.

City Budgetary Impacts: None known.

Staff Recommended Action: Hold public hearing, no vote required.

Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023, City Councilor Order and 1st vote September 19, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order of Discontinuance (attested copy by City Clerk)

Exhibit A
Proposed Street Relocation
Miller Street

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04'09" E across said Miller Steet a distance of 35.62 feet to the northeasterly corner of "Proposed Discontinuation of Miller Street 3,784 S.F." as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10'28" E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08'03" E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28'47" E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10'28" W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17'25" W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24'21" W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35'33" W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10'28" E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10'28" E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

Meaning and intending to describe the area depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe

DRAFT

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To Auburn City Council
From: Auburn Planning Board
Re: Recommendation on realignment of Miller Street

Date: September 12, 2023

PROPOSAL: PUBLIC HEARING Realignment of Miller Street (150 +/- feet): This section of road is shown on the map below and is part of larger project to develop the commercial and residential space at 186 Main Street. This project will adhere to Chapter46, Article VI, Division 3, Section 46-374 and Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies.

Motion: Evan Cyr; **second:** Amanda Guerrette

"I make a motion to provide a positive recommendation to discontinue a 90.94 foot section of Miller Street and realigning a 125.34 foot section of Miller Street more fully described in Exhibit A and Easement Plan dated May 5th, 2023, as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 of Maine State Stature as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) of Maine State Statute and under Sec. 46-374 of the City of Auburn Ordinance." **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Staff Report on Discontinuance of Miller Street and Relocation

Date: September 12, 2023

I. PROPOSAL: City Staff is requesting the city to discontinue 90.94' +/- of Miller Street/Public Way, as a City Street, to provide a more robust site plan that assists in the development of 186 Main Street- That site plan was approved by planning board on June 6, 2023. The discontinuance of the" town way" will follow the Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6)

City Staff is also requesting Miller Street be realigned as part of the 186 Main Street project, which will be accomplished through the appropriate process that meets state statute following 23 M.R.S. § 3026-A as it applies to the City of Auburn. Description on the proposed Miller Street Relocation is described and will be recorded at the Androscoggin County registry of deeds. (See Exhibit A and Easement Plan)

II. Department Review:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests a planning board discuss the plan and realignment. Staff then recommends that the Board forward a positive recommendation to the Council under Sec. 46-374 supporting the proposed changes at this planning board meeting.

IV. *Suggested Motion:* I make a motion to provide a positive recommendation to discontinue (90.94') section of Miller Street and realigning a (125.34') section of Miller Street more fully described in Exhibit A and Easement Plan dated May 5th, 2023 as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) and under Sec. 46-374 of the City of Auburn Ordinance.

PROPERTY LINE TABLE

LINE	DIRECTION	DISTANCE
EL1	N 31°35'33" E	20.23'
EL2	N 38°59'07" E	10.54'
EL3	S 31°35'33" W	1.82'

MAIN STREET

REBAR WITH CAP 1278

N 09°30'26" E 88.92'

1/2" IRON IN CONC. WALK

N/F WILLIAM & HALSEY McDONOUGH 214 MAIN ST 2261/145 MAP 231 LOT 021

186 MAIN ST

LAND TO BE CONVEYED TO JCS 18, LLC

N 16°53'58" W 89.52'

S 16°53'58" E 89.52'

MULTI-STORY BRICK COMMERCIAL STRUCTURE

N/F TURSON LLC 178 MAIN ST 7852/280 MAP 231 LOT 019

MILLER ALLEY

REBAR WITH CAP 1278

11.69'
(N 22°43'28" W) (9.48') (TIE LINE)

8.75'

99.54'

N 3°00'14" E 117.11'

S 3°00'14" W 116.97'

RAILROAD SPIKE

9.11'

30.72'

N 5°10'28" E 43.42'

14.32'

19.72'

AREA TO BE CONVEYED TO TURSON, LLC WITH RIGHTS OF USE , ACCESS AND UTILITY EASEMENT 657 S.F.

N 86°26'45" W 15.00'

S 86°03'15" E 29.27'

113.72'

13.26'

18.42'

S 5°10'28" W

N 73°04'09" W 35.62'

S 46°08'03" E 42.26'

S 67°27'21" W 27.13'

PROPOSED SEWER EASEMENT 2,124 S.F.

EL1

EL2

EL3

38.50'

N 5°10'28" E 90.94'

42.28'

AREA TO BE CONVEYED TO JCS 18, LLC 3,127 SF WITH RIGHTS OF USE, ACCESS, AND UTILITY EASEMENT

N/F CITY OF AUBURN 74 MILLER ST 1593/49 MAP 231 LOT 017

MILLER STREET

PROPOSED RELOCATION OF MILLER STREET 4,827 S.F.

N 63°41'54" E 38.62'

S 67°27'21" W 25.65'

33.84'
S 46°08'03" E

S 86°03'54" W 50.72'

S 36°17'25" W 19.38'

N 86°26'45" E 29.62'

15.03'
S 20°28'47" E

107.64'
S 5°10'28" W

N 6°21'32" W 62.94'

N 3°20'50" E 125.34'

AUBURN RIVER WALK

PROPOSED TEMPORARY CONSTRUCTION EASEMENT 17,075 S.F.

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
1 INCH = 10 FT.

PAUL D. OSTROWSKI, PE 11175

STATE OF MAINE — PAUL D. OSTROWSKI No. 11175 — REGISTERED PROFESSIONAL ENGINEER — 07/28/2023

REV.	BY	DATE	STATUS
H	PDO	07/28/2023	REVISED EASEMENT PLAN
G	PDO	06/05/2023	ISSUED FOR FLOOD HAZARD DEVELOPMENT & NRPA PBR
F	PDO	06/02/2023	REVISED EASEMENT PLAN
E	PDO	05/22/2023	REVISED EASEMENT PLAN
D	PDO	05/18/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO	05/05/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	ACH	01/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS
REV.	BY	DATE	STATUS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS INC.

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

EASEMENT PLAN

OF:
186 MAIN STREET
186 MAIN STREET,
AUBURN, MAINE 04210

FOR:
JCS 18, LLC
20 MECHANIC STREET
GORHAM, MAINE 04038

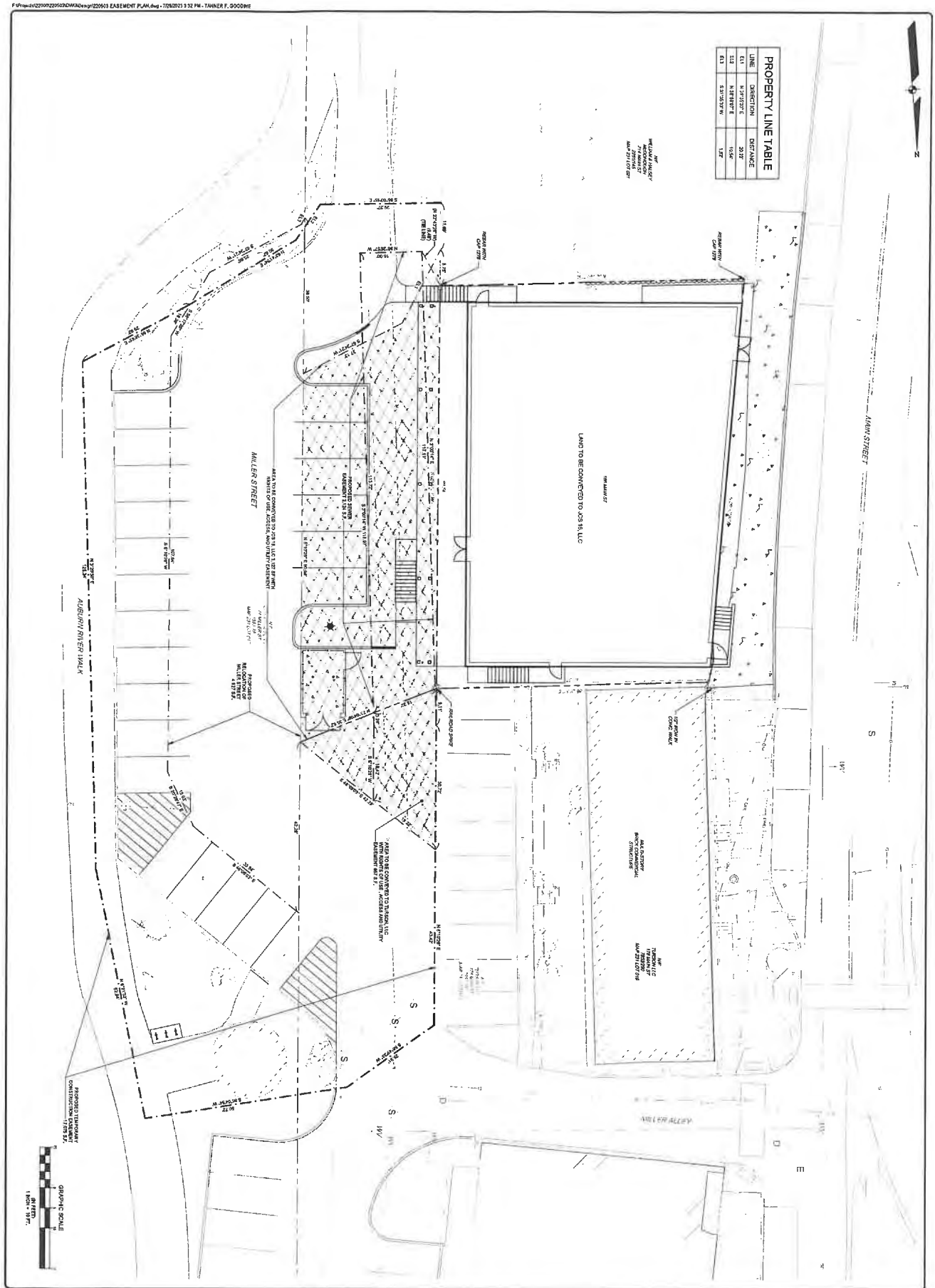
RECORD OWNER:
CITY OF AUBURN
60 COURT STREET
AUBURN, ME 04210

DESIGNED	TFG
DRAWN	ABB
CHECKED	PDO
DATE	05/05/2023
SCALE	1" = 10'
PROJECT	220503-01

SHEET 3 OF10

220503 EASEMENT PLAN.dwg, TAB:6 EASEMENT PLAN

F:\Projects\220000\220503\DWG\Design\220503 EASEMENT PLAN.dwg - 7/28/2023 3:32 PM, TANNER F. GOODINE



220503 EASEMENT PLAN.dwg, TAB 5 EASEMENT PLAN

PAUL D. OSTROWSKI, PE 11175

SHEET 3 OF 10

PROJECT	SCALE	DATE	CHECKED	DRAWN	DESIGNED
220503-01	1" = 10'	05/26/2023	PDO	ARB	TFG

EASEMENT PLAN
OF
186 MAIN STREET
186 MAIN STREET
AUBURN, MAINE 04210
FOR
JCS 18, LLC
20 MECHANIC STREET
GORHAM, MAINE 04038

RECORD OWNER:
CITY OF AUBURN
60 COURT STREET
AUBURN, ME 04210

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

REV	BY:	DATE	STATUS
H	PDO	07/25/2023	REVISED EASEMENT PLAN
G	PDO	06/05/2023	ISSUED FOR FLOOD HAZARD DEVELOPMENT & NRPA PBR
F	PDO	06/02/2023	REVISED EASEMENT PLAN
E	PDO	05/22/2023	REVISED EASEMENT PLAN
D	PDO	05/15/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO	05/05/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	ACH	01/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

STATE OF MAINE — PAUL D. OSTROWSKI — No. 11175 — REGISTERED PROFESSIONAL ENGINEER

07/28/2023

ORDER

City Council Order

IN CITY COUNCIL

ORDERED, that Miller Street, as laid out on plan and titled "Easement Plan", as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds , is hereby discontinued 90.94' +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

Exhibit A
Proposed Street Relocation
Miller Street

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04'09" E across said Miller Steet a distance of 35.62 feet to the northeasterly corner of "Proposed Discontinuation of Miller Street 3,784 S.F." as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10'28" E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08'03" E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28'47" E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10'28" W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17'25" W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24'21" W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35'33" W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10'28" E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10'28" E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Meaning and intending to describe the area depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe

ABUTTERS:

William T. Turner
178 Main Street(physical address)
368 Minot Avenue (mailing address)
Auburn, Maine 04210
PID: 231-019

William McDonough
214 Main Street (physical address)
61 Winter Street (mailing address)
Auburn, Maine 04210
PID: 231-021

DAMAGES:
Amount of Damages: $0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

PUBLIC EASEMENT: All rights for public and private utilities are retained per § 3026-A, (6)

_____	_____	_____
Richard Whiting	Ryan Hawes	Stephen G. Milks
_____	_____	_____
Joseph Morin	Leroy G. Walker	Dana Staples
_____	_____	_____
Belinda A. Gerry	Jason J. Levesque	Phillip L. Crowell, Jr.

Vote Attested by City Clerk:

ORDER

City Council Order

IN CITY COUNCIL

ORDERED, that Miller Street, as laid out on plan and titled "Easement Plan", as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds , is hereby discontinued 90.94' +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

Exhibit A
Proposed Street Relocation
Miller Street

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04'09" E across said Miller Steet a distance of 35.62 feet to the northeasterly corner of "Proposed Discontinuation of Miller Street 3,784 S.F." as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10'28" E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08'03" E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28'47" E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10'28" W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17'25" W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24'21" W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35'33" W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10'28" E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10'28" E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Meaning and intending to describe the area depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe

ABUTTERS:

William T. Turner
178 Main Street(physical address)
368 Minot Avenue (mailing address)
Auburn, Maine 04210
PID: 231-019

William McDonough
214 Main Street (physical address)
61 Winter Street (mailing address)
Auburn, Maine 04210
PID: 231-021

DAMAGES:
Amount of Damages: $0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

PUBLIC EASEMENT: All rights for public and private utilities are retained per § 3026-A, (6)

In-favor	**In-Favor**	**In-Favor**
Richard Whiting	Ryan Hawes	Stephen G. Milks
In-Favor	**In-Favor**	**In-Favor**
Joseph Morin	Leroy G. Walker	Dana Staples

In-Favor
Belinda A. Gerry

Motion carries 7-0 on September 18, 2023

Vote Attested by City Clerk:

Exhibit A
Proposed Street Relocation
Miller Street

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04'09" E across said Miller Steet a distance of 35.62 feet to the northeasterly corner of "Proposed Discontinuation of Miller Street 3,784 S.F." as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10'28" E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08'03" E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28'47" E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10'28" W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17'25" W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24'21" W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35'33" W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10'28" E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10'28" E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

Meaning and intending to describe the area depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe

DRAFT

Discontinuance of a Miller Street – Waiver of Damages -214 Main Street
PID 231-021

TO: William McDonough, Property Owner, 214 Main Street, Auburn, ME

FROM: Jay Brenchick, Director of Economic Development

The City of Auburn is being asked to order the discontinuance of a portion section of Miller Street abutting 178 Main Street and 186 Main Street. The discontinuance will begin approximately at the intersection of Miller Alley and Miller Street and end approximately at the southern boundary of 186 Main Street. as shown more particularly on the attached plan by Sebago Technics dated July 28, 2023 and described in Exhibit A, dated July 28, 2023. This discontinuance will not interfere with tenants accessing existing parking for 214 Main Street.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for a City Council Meeting. In a preliminary review we have determined that it is likely that no damage to the abutting property owners is warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council.

Please review, select one of the options below and sign and return it to The Department of Planning, Permitting & Code at 60 Court Street, Auburn, Me 04210.

OPTIONS:

- o I agree that no damages are warranted or due to me for the discontinuance of Miller Street

- o I disagree with the preliminary determination and will request damages in the amount of $_____to move forward with the proposed discontinuance.

- o I disagree with the preliminary determination and would like to request that the city acquire the services of a commercial appraiser determine if damages are warranted.

Date: _____ **Printed Name:**_____

Signature: _____

Please contact me with any questions at 333-6601, ext. 1218

Discontinuance of a Miller Street – Waiver of Damages -178 Main Street
PID 231-019

TO: William T. Turner/ Turson, LLC, Property Owner, 178 Main Street, Auburn, ME

FROM: Jay Brenchick, Director of Economic Development

The City of Auburn is being asked to order the discontinuance of a portion section of Miller Street abutting 178 Main Street and 186 Main Street. The discontinuance will begin approximately at the intersection of Miller Alley and Miller Street and end approximately at the southern boundary of 186 Main Street. as shown more particularly on the attached plan by Sebago Technics dated July 28, 2023 and described in Exhibit A, dated July 28, 2023. This discontinuance will not interfere with tenants accessing existing parking for 178 Main Street.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for a City Council Meeting. In a preliminary review we have determined that it is likely that no damage to the abutting property owners is warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council.

Please review, select one of the options below and sign and return it to The Department of Planning, Permitting & Code at 60 Court Street, Auburn, Me 04210.

OPTIONS:

- o I agree that no damages are warranted or due to me for the discontinuance of Miller Street

- o I disagree with the preliminary determination and will request damages in the amount of $_____to move forward with the proposed discontinuance.

- o I disagree with the preliminary determination and would like to request that the city acquire the services of a commercial appraiser determine if damages are warranted.

Date: _____ **Printed Name:**_____

Signature: _____

Please contact me with any questions at 333-6601, ext. 1218

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **PUBLIC HEARING**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2022

Information:
The City of Auburn receives allocations from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnership programs each year. The CDBG program aims to enhance urban communities by providing quality housing, improved living environments, and expanded economic opportunities for low and moderate-income individuals. Meanwhile, the HOME program's national goal is to create affordable housing for low-income households. This Consolidated Annual Performance Evaluation Report (CAPER) encompasses the utilization of HOME funds for Auburn and Lewiston, CDBG funds for Auburn, as well as leveraged funds for the period spanning July 1, 2022, through June 30, 2023.

A significant initiative highlighted in this CAPER is the Housing Resources Program, funded by HOME-ARP resources. This program serves individuals experiencing homelessness or at risk of homelessness. It underwent a soft launch as a referral source in January, concurrently with policy development. The complete program was officially launched by the conclusion of the fiscal year.

City Budgetary Impacts:
CDBG funds expended during this program year totaled $319,342. Home Funds expended totaled $477,010. These federal grant dollars cover staff salary/benefits as well as program activities for the Business and Community Development program.

Staff Recommended Action:
Hold Public Hearing

Previous Meetings and History:
Draft CAPER published Sept 15, 2023
Public Comment Period Sept. 15th - Oct. 15th, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
PY22 CAPER

City of Auburn

Consolidated Annual Performance Report (CAPER)

PROGRAM YEAR 2022

On behalf of:

The Auburn-Lewiston Home Consortium &
City of Auburn CDBG program

Prepared by Auburn Community Development Office

Contents

CR-05 - Goals and Outcomes 2

CR-10 - Racial and Ethnic composition of families assisted 8

CR-15 - Resources and Investments 91.520(a) 9

CR-20 - Affordable Housing 91.520(b) 15

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c) 19

CR-30 - Public Housing 91.220(h); 91.320(j) 23

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j) 25

CR-40 - Monitoring 91.220 and 91.230 29

CR-45 - CDBG 91.520(c) 31

CR-50 - HOME 24 CFR 91.520(d) 32

CR-58 – Section 3 34

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Auburn annually receives allocations from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnership programs. The CDBG program aims to enhance urban communities by providing quality housing, improved living environments, and expanded economic opportunities for low and moderate-income individuals. Meanwhile, the HOME program's national goal is to create affordable housing for low-income households. This Consolidated Annual Performance Evaluation Report (CAPER) encompasses the utilization of HOME funds for Auburn and Lewiston, CDBG funds for Auburn, as well as leveraged funds for the period spanning July 1, 2022, through June 30, 2023. The objectives and expectations for HOME and CDBG funds align with the Consolidated Plan developed for program years 2020-2024. The Annual Action Plan, delineating one-year performance measures and the strategy for achieving identified objectives, is referenced within this framework. The Auburn Community Development Office (ACDO) diligently collaborated with HUD staff to rectify prior financial and project reporting discrepancies. All necessary corrections were implemented, resulting in full compliance with HUD policies by ACDO.

A significant initiative highlighted in this CAPER is the Housing Resources Program, funded by HOME-ARP resources. This program serves individuals experiencing homelessness or at risk of homelessness. It underwent a soft launch as a referral source in January, concurrently with policy development. The complete program was officially launched by the conclusion of the fiscal year.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee’s program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Improve Infrastructure and reduce blight	Non-Housing Community Development	CDBG: $ / HOME: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	3000	3590	119.67%	1000	1570	157.00%
Improve Infrastructure and reduce blight	Non-Housing Community Development	CDBG: $ / HOME: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0				
Promote Economic Opportunities	Non-Housing Community Development	CDBG: $ / HOME: $	Jobs created/retained	Jobs	10	11	110.00%			
Promote Economic Opportunities	Non-Housing Community Development	CDBG: $ / HOME: $	Businesses assisted	Businesses Assisted	10	7	70.00%	10	0	0.00%
Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1200	2265	188.75%	500	681	136.20%
Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Homeless Person Overnight Shelter	Persons Assisted	0	5		0	5	

Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0		0	0	
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Rental units constructed	Household Housing Unit	0	0		5	0	0.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Rental units rehabilitated	Household Housing Unit	100	6	6.00%	25	1	4.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Homeowner Housing Added	Household Housing Unit	0	0		3	0	0.00%

Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Homeowner Housing Rehabilitated	Household Housing Unit	50	16	32.00%	10	1	10.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Direct Financial Assistance to Homebuyers	Households Assisted	0	0		5	0	0.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	125	24	19.20%	30	4	13.33%

Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: $ / HOME: $	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	0	2		0	2	

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The PY22 Action Plan encompasses four specific objectives:

1. **Safe and Affordable Housing:** CDBG funds were employed to rehabilitate homes for low to moderate-income residents in Auburn. These funds were leveraged with additional resources obtained through a grant from the Office of Lead Hazard Control & Health Homes, resulting in the completion of two projects in 2022. Additionally, a new affordable housing program for smaller developers was initiated, with ten applications initiated in 2022, although no projects reached the shovel-ready stage by year-end. Furthermore, the ACDO utilized $287,984 in American Rescue Plan Act (ARPA) funds to provide energy efficiency rebates to 388 residents, a funding source separate from HUD.
2. **Infrastructure Improvement and Blight Reduction:** In 2021, the installation of the final of three community gardens was completed. Throughout 2022, these gardens accommodated 63 plots, managed by 43 households. Furthermore, seven benches were installed along the Art Wall in downtown Auburn. A project to remove lead-based paint from the exterior of the Community Little Theatre in Bonney Memorial Park commenced at the end of program year 2022 but was not finalized by year end, and thus, will be reported in the 2023 CAPER.
3. **Promotion of Economic Opportunities:** Although the Micro-loan program was available in 2022, no projects were executed with CDBG or HOME funds. However, $98,380 in ARPA funds were allocated to four neighborhood grocery stores to enhance healthy food options.

Additionally, the ACDO provided one business loan to a new restaurant and one commercial Agriculture incentive grant for a total investment value of $155,000.

4. **Provision of Essential Services:** In this program year, CDBG funds were allocated to eight programs aimed at delivering essential Public Services to low and moderate-income residents of Auburn. These services included support for Safe Voices, scholarships for Auburn Rec's summer camp, and the establishment of a warming center during the coldest weekend of the year. These programs play a crucial role in assisting families grappling with poverty-related challenges. Notably, the Recreation Scholarship Program was funded to facilitate summer camp experiences for local youth from low and moderate-income families, fostering diversity among campers and enabling parents to pursue employment opportunities and improve their financial situations. Additionally, through HOME-ARP funds, supportive services were provided to 46 households experiencing homelessness or at risk of homelessness.

Please note that the Community Gardens, HOME-ARP, and ARPA projects are not detailed in Table 1.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME
White	505	2
Black or African American	153	2
Asian	0	0
American Indian or American Native	8	0
Native Hawaiian or Other Pacific Islander	3	0
Total	**669**	**4**
Hispanic	19	0
Not Hispanic	650	4

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Auburn's total population, as of the 2020 Census, stands at 24,061. The demographic breakdown indicates that 87.7% of the population is white, 4.5% is Black or African American, and 0.4% are identified as American Indian or Alaskan Native. In the context of CDBG, 75% of the beneficiaries were white, 20% were Black or African American, and 1.4% were American Indian or Alaskan Native. For Home Funds, 88% of the recipients were white, while 9% were Black or African American.

It's important to note that the CR-10 reporting system does not accommodate individuals or households of mixed racial backgrounds. In such cases, individuals who identified with two races were categorized under the primary race listed. For instance, if someone identified as American Indian/Alaskan Native and Black, they were recorded as American Indian/Alaskan Native. Additionally, 21 other individuals or households with multiple racial identities were not included in the CDBG program data presented above.

Within the allocation of PY22 CDBG funds, one particular activity falls under the designation of "area wide benefit." These activities, while impactful, do not gather data regarding the racial and ethnic composition of the beneficiaries they serve. Notably, these "area wide benefit" projects are strategically located in census tracts that qualify as Low-to-Moderate income areas. These tracts tend to exhibit a racial and ethnic composition that diverges from the city's overall demographic makeup, often serving a more diverse population.

Please note that the accomplishments related to HOME-ARP are not represented in the table provided above.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,561,227	319,342
HOME	public - federal	2,213,134	477,010

Table 3 - Resources Made Available

Narrative

In 2021, the city received a significant amount of Program Income, which has carried over into the current year.

During the same year, substantial efforts were dedicated to re-evaluating recent projects and formulating solutions for non-compliant initiatives. These endeavors had an impact during the first half of the year, resulting in performance below initial expectations in housing rehabilitation and new unit creation. Furthermore, the availability of contractors for ongoing programs was constrained, leading to extended project completion timelines.

However, following a comprehensive system overhaul, there has been a notable surge in interest in the rehabilitation and new unit creation programs. As a result of these improvements, these programs are anticipated to align with program goals by the year 2023.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

In the 2020-24 Consolidated Plan, activities were categorized under a city-wide approach without a specific target area of focus. Consequently, the IDIS reporting system did not capture such data.In contrast, the most recent Action Plan outlined a targeted focus area for Public Infrastructure projects. This focus area encompasses Census tracts 101, 103, and 105, which were determined to have a population with 51% or more Low-to-Moderate Income status based on the 2015 American Community Survey (ACS) data derived from the Census 2010.

During the current program year, one Public Infrastructure project was successfully completed. Another project commenced within this year but remained incomplete as of June 30, 2023. It is expected to reach completion in early FY 2023.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The city diligently monitors the carry-forward of available matching funds from prior years. In the current year, there was a carry-forward of $1,351,209.88 in matching funds. It's noteworthy that no matching funds were required for HOME projects in 2022.

The city's programs augment their financial resources by stipulating that owner-investors of rental properties contribute matching funds. Specifically, CDBG Rehab projects necessitate a 25% match of project costs, while Lead projects entail matching funds of up to $2,000 per unit.

Public Service funds were leveraged with other federal, state, and local funding. These funders include:

- MaineCare
- EFSP (Emergency Food and Shelter Program)
- MaineHousing
- Individual donors
- United Way
- John T. Gorman Foundation
- Lewiston Auburn Metropolitan Chamber of Commerce
- Lewiston Adult Education
- Auburn school system

Numerous public facilities were employed for various public service initiatives. For instance, the Auburn Senior Center at 48 Pettengill Park Road served as a location for both Senior Care Packages and the Auburn Recreation Summer Camp. The Grab-N-Go Food Pantry operated from the PAL Center at 24 Chestnut Street. Additionally, in June, a Housing and Employment Symposium took place at Festival Plaza, located at 112 Maine St. The Auburn Housing Authority generously provided space at 100 Valerie Circle for a temporary warming center in February.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	1,351,210
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	1,351,210
4. Match liability for current Federal fiscal year	0
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	1,351,210

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	**Date of Contribution**	**Cash (non-Federal sources)**	**Foregone Taxes, Fees, Charges**	**Appraised Land/Real Property**	**Required Infrastructure**	**Site Preparation, Construction Materials, Donated labor**	**Bond Financing**	**Total Match**

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period $	**Amount received during reporting period $**	**Total amount expended during reporting period $**	**Amount expended for TBRA $**	**Balance on hand at end of reporting period $**
216,609	$85,765	$289,000	$0	$13,374

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	**Minority Business Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Contracts						
Dollar Amount	0	0	0	0	0	0
Number	0	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

	Total	**Women Business Enterprises**	**Male**
Contracts			
Dollar Amount	0	0	0
Number	0	0	0
Sub-Contracts			
Number	0	0	0
Dollar Amount	0	0	0

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	**Minority Property Owners**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition		
Parcels Acquired	0	0
Businesses Displaced	0	0
Nonprofit Organizations Displaced	0	0
Households Temporarily Relocated, not Displaced	0	0

Households Displaced	**Total**	**Minority Property Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	48	8
Number of Special-Needs households to be provided affordable housing units	0	0
Total	**48**	**8**

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	4
Number of households supported through The Production of New Units	8	0
Number of households supported through Rehab of Existing Units	35	4
Number of households supported through Acquisition of Existing Units	5	0
Total	**48**	**8**

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The annual goals for HOME programs are outlined in the 2022 Annual Action Plan, with pertinent data presented in Tables 11 and 12, focusing on TBRA/Security Deposit assistance and two CDBG rehab projects, each comprising two units.

The city operates five programs geared towards assisting low-income residents in accessing and maintaining decent, safe, and affordable housing:

- The TBRA program facilitates security deposit assistance for low-income households seeking affordable housing.
- The CDBG Accessibility and Critical Repair programs serve low to moderate-income homeowners, enabling them to enhance home accessibility or conduct essential major repairs.
- These programs also extend to landlords, aiming to maintain or create affordable housing for a year.
- The Auburn HOME Unit Development Program (AHUD) empowers small developers to establish new, decentralized affordable housing.
- Funded through ARPA, the Auburn Accessory Dwelling Unit Development Program (AHUD) allows single-family homeowners or landlords to construct a secondary housing unit on their property, thereby contributing to the creation of new affordable units.

During the first half of the year, security deposit assistance and ongoing rent support were provided to low and moderate-income populations in Auburn through the U.S. Department of the Treasury's Emergency Rental Assistance (ERA) program. Following the conclusion of this program in December, there was a notable increase in households applying for TBRA.

Two Critical Repair projects were successfully executed for two owner-occupied duplexes, one of which housed the landlord/owner. Additionally, two Lead remediation projects, encompassing five affordable units, were completed, although this information is not reflected in the provided tables.

The AHUD and ADUD programs garnered substantial interest. Under these initiatives, applicants act as their own developers, with the prerequisite that projects be shovel-ready before approval. Consequently, there were delays between initial expressions of interest and the formal submission of applications, resulting in no shovel-ready projects by year-end.

All housing programs, excluding TBRA, are subject to an affordability period and rent maximums. TBRA rent caps align with Fair Market Rent (FMR), while Critical Repair and Accessibility programs maintain a one-year affordability period, with rents aligned with FMR. AHUD sustains a 20-year affordability period, with rates set in accordance with High Home Rent. HUD adjusts FMR and High Home Rent annually to account for rising housing costs.

A challenge faced by all programs pertains to rent caps in comparison to Market Rent. For TBRA clients, securing a rental unit that complies with rent limits while considering utility costs presents difficulties. Landlords must weigh potential loan funds against potential rent differentials to evaluate profitability. Increasing rent caps could significantly alleviate this barrier.

Another hurdle for TBRA relates to the city's exceedingly low rental vacancy rate. A July 9, 2023 report by the Sun Journal highlighted a vacancy rate of essentially 0% in Lewiston and Auburn (https://www.sunjournal.com/2023/07/09/more-of-everything-a-vacancy-rate-of-zero-is-pushing-up-rents-and-has-the-twin-cities-embracing-any-and-all-housing).

Anticipating an uptick in project numbers, the city has significantly ramped up marketing efforts for its rental assistance, rehabilitation, and new unit creation programs in 2023.

Discuss how these outcomes will impact future annual action plans.

Securing safe, quality, and affordable housing is an escalating challenge statewide in Maine. In forthcoming action plans, there is a pressing need to conduct more comprehensive research into reducing barriers to accessing affordable housing programs. The Community Development Office has engaged with a program at Bates College to work with a statistic program for conducting a market study on rental rates to facilitate the establishment of more accessible rent caps.

Furthermore, HOME-ARP funds offer the opportunity to provide enhanced support to individuals grappling with homelessness. This expanded support encompasses a wider range of housing-related costs, including moving expenses, storage facilities, and utility payments.

These vital considerations will be taken into account by the Consortium as they shape the objectives of the forthcoming 2023 Action Plan.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	2	4
Moderate-income	0	0
Total	**2**	**4**

Table 13 – Number of Households Served

Narrative Information

In the year 2022, no HOME rehabilitation or unit creation projects reached completion.

However, HOME funds were allocated to support four low-income households in securing security deposits, facilitating their transition to affordable housing.

Meanwhile, CDBG funds were utilized to rehabilitate two duplexes, each comprising one rental unit and one owner-occupied unit. Notably, one of these projects addressed a code violation, although this information is not reflected in Table 13. It's imperative to note that CDBG-funded projects must ensure that at least 51% of units income qualify.

Furthermore, ongoing initiatives aim to uphold and preserve affordable housing through the Lead & Healthy Homes program. This program offers grants to homeowners and landlords, enabling them to enhance living conditions by mitigating lead hazards. All units benefiting from this program must either be occupied by low-to-moderate income families or be made available to such tenants in the future. Additionally, this program, leveraging CDBG funds, covers the required match funding for income-qualifying homeowners, ensuring an affordability period of three years during which maximum rent rates are monitored to guarantee continued affordability. Importantly, each newly rehabilitated unit generates one new affordable unit within the city.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Auburn-Lewiston Consortium demonstrated early leadership in the implementation of the HOME-ARP (American Rescue Plan) Program, securing approval for its allocation plan ahead of many other communities.

The Housing Resources Program, funded by HOME-ARP, commenced with a soft launch in January 2022, accompanied by the hiring of an additional staff member within the Community Development department to oversee the program's operations. The initial two quarters were primarily focused on referral processes while concurrently developing comprehensive policies and procedures to fortify the program.

Collaborative efforts were undertaken with other service providers dedicated to assisting individuals and families facing homelessness or at risk of homelessness. This approach aimed to prevent duplication of services and build a robust referral network. In June, the city organized an Employment and Housing Symposium, offering clients direct access to service providers for housing, employment, and essential support services.

Community Development staff actively engaged with provider sessions at Pleasant Street Drop-In Center (now the Drop-In Center) and Trinity Jubilee Center, establishing connections with potential clients. During the program's early phase, 34 homeless households and 14 households at risk of homelessness received assistance, encompassing housing searches, apartment applications, housing subsidy applications, and referrals to programs such as employment training, shelters, and food assistance.

The Housing Resources Coordinator initiated the construction of an extensive repository containing potential referring agencies for use by housing providers and clients, although this endeavor was not completed by year-end.

The full-scale program is set to launch in early July 2023, with Tenant-Based Rental Assistance (TBRA) and support service funds accessible to eligible clients.

Additionally, the Community Development department continued its collaboration with the General Assistance program and the Public Health Officer, who share office space. Notably, the General Assistance team witnessed a substantial surge in local demand during this reporting period. A total of 426 applications were received, marking a remarkable 330% increase compared to the previous reporting period. Among these applications, 112 were cases with pending asylum requests, reflecting a

509% increase from the previous year. The City General Assistance budget contributed a total of $233,375 annually, a remarkable 237% increase from the prior year, with the majority of funds allocated to housing-related expenses, including housing, utilities, and food aid.

Furthermore, the City Council allocated additional resources from the American Rescue Plan Act (ARPA) funds to support the Project Support You (PSY) program, which introduced a dedicated co-responder with expertise in mental health and substance abuse. This individual worked closely with the Auburn police and fire departments to enhance care during rescue calls. Over the initial seven months of this collaborative effort, city-contracted staff, in partnership with Tri-County Mental Health, diligently provided services to 263 homeless Auburn residents.

In addition to these initiatives, key personnel, including the City Public Health Officer, Housing Resource Coordinator, and Community Development Manager, actively participated in various housing committees and organizations. These include the Lewiston Auburn Alliance of Services to the Homeless (LAASH), Region II Homeless Council, Main State Homeless Council, the Lewiston Auburn Area Recovery Collaborative (LAARC), and frequent attendance at the Sewall Foundation's Housing Collaboration Sessions and the HUB 3 Coordinator's meetings.

Addressing the emergency shelter and transitional housing needs of homeless persons

Maine continues its efforts to address the urgent needs of emergency shelter and transitional housing for individuals experiencing homelessness, guided by the leadership and advocacy of the Maine Continuum of Care, the Maine Statewide Homeless Council, and regional homeless councils.

During the winter season, MaineHousing allocated funding for 14 overnight warming shelters across the state; however, none of these shelters received funding in Auburn or Lewiston. The city responded by financing an overnight warming shelter in early February using CDBG-CV funds.

It is noteworthy that most local shelters do not receive funding from the Maine Housing Authority. Instead, the city allocates portions of its Public Service funding to provide financial support to these programs. One such recipient of this support is Safe Voices, a domestic violence response organization that offers assistance, including re-housing and homelessness diversion programs.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The city's Housing Resources Program caters to a diverse range of individuals and families facing homelessness or the risk thereof. This encompasses those fleeing domestic or dating

violence, sexual assault, stalking, trafficking, and individuals discharged from public institutions or systems of care.

Moreover, both Auburn and Lewiston's HOME TBRA programs serve individuals based on income, encompassing a substantial portion of those recently discharged who fall within income limits.

These programs provide a comprehensive array of services to Auburn residents confronting homelessness or the imminent threat of it. The TBRA programs offer support by covering security deposits equivalent to two months' rent, subject to program guidelines.

Additionally, the Housing Resources Program extends further assistance, including:

- Security deposits (for clients who do not qualify for TBRA)
- Funding for first and last month's rent
- Coverage for housing application fees
- Relief for utility arrears and short-term payments for ongoing utilities
- Support for rent arrears
- Assistance with moving costs and temporary storage fees
- Financial aid for non-housing expenses, such as childcare, bus passes or gas vouchers, supplies and testing for HiSET classes, certification classes and exams, credit repair classes, and outpatient medical care not covered by MaineCare or private insurance.

Furthermore, both programs have the capacity to refer clients to:

- Housing navigators who assist participants in securing homes within a competitive housing market, in accordance with program guidelines
- Employment and training programs
- Educational services, including local adult education programs
- Case managers
- Credit counseling services

Challenges arose in disbursing move-in costs for rental units due to Fair Market Rent (FMR) caps imposed by HUD, which posed difficulties for landlords who were hesitant to engage with a program capping their rent at reduced rates amid a surge in market rent.

Lastly, the Statewide Homeless Council collaborates with the Department of Corrections to implement the Maine Criminal Justice System Blueprint for Ending and Preventing Homelessness. This initiative aims to prevent inmates from being released into homelessness. A

parallel Blueprint for Ending Homelessness, in partnership with DHHS, addresses discharge planning from state-run mental health facilities.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Community Development staff, particularly the Public Health Officer and General Assistance Administrator, collaborate closely with the School Department, Police & Fire departments, and local non-profit organizations such as Safe Voices and New Beginnings. This coordinated effort facilitates seamless referrals of residents in need to various service providers.

The HOME-ARP Housing Resources Program and HOME TBRA programs allocate funding for essential move-in costs, including security deposits and utility connections, benefiting homeless individuals and those at risk of homelessness. Additionally, program staff are equipped to facilitate mediation between tenants and landlords and offer referrals to organizations that assist recently unhoused families in reacquiring essential home management skills, budgeting, financial literacy, credit repair, and other life skills training.

Furthermore, the Housing Resources Program has the capacity to cover the costs of mental health, physical health, and substance use disorder treatments that are not covered by MaineCare or other insurance providers. Clients are actively connected to resources to support their healthcare needs when they lack access to such care.

In the forthcoming year, Auburn and Lewiston are set to collaborate with local non-profit organizations to expand the scope of HOME-ARP projects. One notable project includes the introduction of an Auburn-exclusive Housing Navigator, a role that was absent in 2022. Additionally, a new initiative will pair unaccompanied minor children experiencing homelessness with host families to provide them with stable housing, enabling them to complete their high school education, pursue their HiSET, or engage in employment training programs. Furthermore, a potential project aims to establish connections with individuals and families residing in homeless encampments to provide critical services before such encampments are dismantled.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Auburn works closely with the Auburn Housing Authority (AHA) to promote and develop affordable housing. In this program year, AHA raised its payment standards within the Section 8 voucher program to 110% of Fair Market Rent. This adjustment aims to assist eligible renters in finding and affording housing, especially in the face of rising rental rates and limited available units.

MaineHousing's Family Self-Sufficiency (FSS) staff continue to take the lead in statewide efforts to enhance program processes and evaluation among Public Housing Authorities (PHAs) that administer it. They also collaborate with FSS staff from other PHAs to address new HUD program regulations. MaineHousing, in partnership with Compass Working Capital, is a member of the National FSS Network, along with the Portland Housing Authority.

Furthermore, the Auburn Housing Authority has intensified its efforts to transition its operations toward voucher-based support. These efforts aim to facilitate the development of privately built housing units that can accommodate housing vouchers, further expanding affordable housing options.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The city currently refers low-income residents, including public housing residents, to Community Credit Union (CCU) and Community Concepts (CCI). Both organizations offer programs to assist with obtaining mortgages and down payment support. HOME-ARP funds can be allocated to cover the cost of CCI's Homebuyer Education Course, which can enable clients to meet the requirements for receiving $5,000 from Maine Housing, which can be applied towards a down payment or closing costs.

The city is in the process of developing a three-year project aimed at constructing a mixed-income neighborhood comprising 100 units. This development will encompass 48 single-family residences, 8 owner-occupied duplexes, and 3 to 12 unit mixed-use apartment buildings. The primary objectives of this project include creating 56 new homeowners, adding 44 new rental units, establishing a new childcare facility, and setting up a new community facility.

Key partners involved in this project include the City of Auburn, Maine State Housing Authority, Auburn Housing Authority, Androscoggin Land Trust, Auburn-Lewiston YMCA, Fatuma Hussein Development Corp., and Androscoggin Emergency Management System.

Public housing residents will be informed about the project and encouraged to utilize resources like Maine Housing's First Home Loan Program or other resources provided by CCU and CCI to

prepare for homeownership.

Actions taken to provide assistance to troubled PHAs

Neither Lewiston Housing Authority nor Auburn Housing Authority are troubled. There are currently no troubled PHAs in Maine.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Auburn has demonstrated proactive efforts in eliminating barriers to housing development over the past three years. Notable achievements include the adoption of new ordinances that permit accessory dwelling units, enhance density standards, and reduce road frontage requirements for residential lots. Complemented by a newly established form-based code, these changes are expected to encourage infill development of new housing, facilitate multi-unit housing projects in residential zones, and potentially waive or decrease permit fees for specific target demographics.

In the current year, the Auburn City Council took the step of removing an income requirement for building homes on rural land. The previous ordinance mandated that 30% of a household's income be derived from farming in rural zones. The revised ordinance now necessitates that landowners maintain a connection to the land and possess a minimum of 10 acres to construct homes. It's important to note that this amendment faced significant opposition from the public.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The General Assistance Administrator and Public Health Officer continue to be vital members of the Community Development team. In addition, new staff members were brought on board under the HOME-ARP program to provide direct services to underserved residents who are homeless or at risk of homelessness. The Housing Resources Program had a soft launch this year and is slated for full implementation in early 2023.

These individuals play integral roles in weekly team meetings and actively contribute to the development of the Action Plan and CAPER reporting. Their front-line, community-facing positions enable them to interact with underserved communities daily, enabling them to promptly convey program challenges and evolving community needs to the team. This agile approach allows for rapid adjustments to program delivery as necessary.

The addition of a Project Support You (PSY) staff worker was a strategic move to collaborate with the police and fire departments in connecting with individuals in crisis, including those who are unhoused and individuals with substance use or mental health disorders.

This year, the city initiated the establishment of a "hub" within the Community Development Office, inviting several non-profit organizations to co-locate their staff in the same physical space. This initiative is designed to facilitate swift referrals, enhance client updates, and foster a higher level of comprehension among all staff members regarding each step of a client's housing needs. The ultimate

objective is to incorporate staff members from five non-profit organizations who will operate from the Community Development Office.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City of Auburn secured a three-year Lead Hazard Control & Healthy Homes (OLHCHH) grant commencing in November 2021. To complement this grant, CDBG funds are employed as matching resources to offer supplementary subsidy grants to residents who meet income qualifications.

In 2022, a total of eleven housing units underwent lead assessments, and subsequent remediation efforts were undertaken for six of these units.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City of Auburn administers four programs aimed at directly assisting individuals and families experiencing poverty: General Assistance, Project Support You, HOME TBRA, and the HOME-ARP Housing Resources Program.

1. **General Assistance (GA)** provides emergency and ongoing support to low-income families. This includes food vouchers, temporary lodging in hotels or motels, and continuous rent aid. In 2022, GA aided 381 households, including 270 with housing assistance, 121 with utility support, 58 with food assistance, 1 with medical aid, 10 with burial or cremation assistance, 21 with baby supplies, and 74 with household items.
2. **Project Support You (PSY)**, funded through ARPA, is a frontline initiative that collaborates closely with the police and fire departments to offer immediate assistance to individuals in crisis. Over a seven-month period, the PSY worker served 315 clients, with 263 of them being unhoused. From March to June, this staff member responded to 41 fire department calls and 528 police calls.
3. **The HOME TBRA program** assists low-income families by covering the security deposit when they move into a new rental unit. Given that 37% of American families lack the financial means to address a $400 emergency expense, these upfront costs can pose significant challenges to many low-income families. Auburn and Lewiston together supported 4 families through this program.
4. **The HOME-ARP Housing Resources Program** extends aid to individuals and families living in unstable housing situations, including those in encampments, vehicles, and emergency shelters. The Housing Resources Coordinator served 46 households by assisting them in applying for housing assistance, providing case management, and aiding in housing searches. The full program launch is scheduled for 2023, enabling it to provide financial assistance such as security deposits, first and last months' rent, childcare support, rent and utility arrears assistance, and other forms of aid to help households regain stability.

Furthermore, Auburn Community Development continues to allocate resources to fund public services

and housing programs. These services encompass food pantries, homelessness prevention, housing navigators, domestic violence support, neighborhood centers, Meals on Wheels, and youth programs.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Internally, the City of Auburn has undergone a comprehensive redevelopment of the entire Community Development department. This redevelopment includes the integration of General Assistance and the Public Health Officer. This new team-based approach to program delivery has enabled staff to provide a more comprehensive and holistic range of services to specific communities. In 2022, the city expanded its team by adding a Housing Resources Coordinator and a Project Support You worker. Additionally, the groundwork was laid to establish a hub of housing resource providers operating from the Community Development office.

This redevelopment effort coincided with broader city initiatives aimed at streamlining the application, approval, and service delivery processes. These endeavors have significantly reduced response times and allowed the program to address identified needs more effectively. In 2022, MaineHousing and the Maine Continuum of Care continued their collaborative work to revamp and enhance the Coordinated Entry system. The Maine CoC has also made strides in addressing concerns highlighted in the gaps and needs analysis conducted in 2019.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The Community Development Staff is collaborating closely with Auburn Housing Authority (AHA) staff to formulate plans for the creation of new affordable housing units. Additionally, they are jointly managing the Security Deposit assistance and Housing Resources programs.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City has dedicated substantial effort to eliminate obstacles hindering the development of new affordable housing units. These endeavors encompass the adoption of a form-based code, revisions to density standards in residential zones permitting the construction of accessory dwelling units, and the reduction of required road frontage to facilitate in-fill development of new residential units. Furthermore, significant attention has been directed towards recognizing and addressing impediments to fair housing, as highlighted by the Maine Housing Authority.

In 2019, the Maine State Housing Authority (MSHA) issued an analysis of Impediments to Fair Housing Choice, acknowledging that opposition from communities and neighbors to planning and zoning improvements aimed at promoting affordable housing is discriminatory. MSHA vowed to support affordable housing projects against such opposition. The City of Auburn shares a similar commitment to actively advance fair housing, not solely as a condition of federal funding but also as a just and practical

approach to enhancing our community's quality. Restricting access to specific types or locations of housing development for low-income populations deprives our most vulnerable community members of opportunities and equity.

Similarly, concentrating subsidized housing exclusively in downtown urban areas, as a development model, only succumbs to the pressures of opposition that MSHA identified in its assessment. Therefore, the City embraces development models that expand housing choices for residents reliant on affordable housing. Each neighborhood in our city possesses a unique style and value, just as each resident does. Ensuring that all families, regardless of income, have the freedom to select their homes and the environment in which to raise their children is an essential right.

This department not only supports the inclusive zoning efforts spearheaded by the Planning & Permitting department but also remains committed to approaching the creation of affordable housing in Auburn with an emphasis on increased inclusion, accessibility, and choice. This approach aligns with MSHA's recommendation to promote economic diversity by encouraging mixed-income housing and increasing the utilization of housing choice vouchers in low-poverty areas.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The Community Development Staff, in collaboration with the Auburn-Lewiston Consortium, has established a comprehensive monitoring program to ensure that recipients of funds adhere to program guidelines throughout the federally mandated affordability period. This program entails an annual desk monitoring, risk assessment, and on-site inspection process designed to verify and document compliance with prescribed standards related to income levels, fair market rental rates, and adherence to the city's housing standards.

Additionally, a heightened level of oversight and technical assistance has been implemented for Public Service and HOME-ARP grant recipients. The city mandates that subrecipients submit quarterly demographic and impact reports for preliminary review before requesting fund disbursements. These reports encompass demographic information concerning low and moderate-income program recipients and administrative data, including payroll records and financial expenditure reports. This increased scrutiny ensures that grant recipients are well-equipped not only to deliver vital services but also to effectively track and report the significant impact they generate.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The draft 2022 CAPER was posted on the city website and available for public comment, as mandated by statutory requirements, from September 15th to October 16th. A Public Hearing was conducted by the Auburn City Council on October 16th. Public notification was carried out in accordance with the Citizen Participation Plan, and evidence of the public hearing notice was documented on the administration screen. Additional efforts to solicit input were made through the city's social media platforms. Furthermore, the CAPER was directly emailed to the 2,041 individuals who have subscribed to email alerts via the city's marketing department. Notably, no comments were received for inclusion.

Enhanced citizen outreach initiatives comprised the posting of CAPER notices (complete with direct access links and QR codes) in public facilities across the city, including city hall, the public library, senior housing facilities, and food pantries. Supplementary outreach methods encompassed a multilingual

website, social media notifications, and a press release, all of which included information on language translation accommodations and access to printed versions of the report.

This report will remain in DRAFT form until the close of the public hearing and any public comments received are included.

Public Notice:

Sun Journal

C6 College Football — SUN JOURNAL » THURSDAY, SEPTEMBER 14, 2023

Maine's home opener moved to Friday

STAFF REPORT

The University of Maine's football home opener against Rhode Island has been moved from Saturday afternoon to Friday evening at 6:30 p.m. in anticipation of Hurricane Lee.

"Out of an abundance of caution based on the potential impact of the hurricane, and in consultation with University and other officials, as well as our friends at CAA Football and the University of Rhode Island, we believe moving the game to Friday night maximizes health and safety and gives our student-athletes the best chance to compete without interruption — and for everyone to get home safely," said Jude Killy, Maine's athletic director.

Maine opened the season with road losses against Florida International and North Dakota State. Rhode Island is 1-1 after a Coastal Athletic Association win over Stony Brook this past weekend.

ASSOCIATED PRESS

Notre Dame's Audric Estime celebrates his touchdown against North Carolina State on Saturday in Raleigh, N.C.

Notre Dame sticks with old-school run game, employing deep table of backs

SOUTH BEND, Ind. (AP) — While Sam Hartman's strong passing game is all the rage at No. 9 Notre Dame, it's still the bulldozing ground game that keeps the Fighting Irish offense chugging along.

Second-year coach Marcus Freeman doesn't want it any other way.

Freeman never intended to abandon the program's old-school identity, even after plucking Hartman out of the transfer portal or promoting tight ends coach Gerad Parker to offensive coordinator.

"This is not going to be a pass-first offense," Freeman said in February when announcing Parker's new job. "But it really creates opportunities to have success in the passing game because of your ability to run the ball. All those things go together for complimentary football."

The numbers prove it.

Through three games, Notre Dame is averaging 5.7 yards per carry, No. 21 in the 133-team FBS. Add that component to Hartman's efficiency, and it's no surprise the Irish are 3-0.

Bigger tests are coming up.

On Saturday, Notre Dame hosts Central Michigan (1-1), which has a run defense ranked No. 32 (96.0 yards per game) even after playing Michigan State, Then No. 6 Ohio State, a team allowing just 2.6 yards per carry, comes to Notre Dame stadium.

Notre Dame's rushing attack has been powered by a bevy of backs.

Bulldozing Audric Estime is the leader. Listed at 5-foot-11 1/2 and 227 pounds, he has a unique combination of nimble feet, nifty bursts and breakaway speed.

Estime already has four TD runs. He leads the nation in yards rushing and although he's played one more game than most players, his average of 115 yards per game still ranks No. 14.

"Audric is Audric," Freeman said. "He's going to be the guy we give the ball to and say, 'Run this thing.'"

Committing to ground game, of course, means in-game adjustments are necessary — especially when things don't go well early. Notre Dame had two three-and-outs on its first two series last weekend at North Carolina State.

Instead of changing course, though, Parker held fast.

After a 1-hour, 45-minute weather delay, he moved All-American left tackle Joe Alt to the outside of right tackle Blake Fisher, going with an unbalanced offensive line.

The result: It confused the Wolfpack and Estime sprinted 80 yards for a touchdown.

Estime may possess the profile of a workhorse back, but so far, he's only had a little more than 14 carries per game.

Instead, the Irish have utilized a versatile three-man rotation.

In addition to Estimé, there's quick and shifty Jadarian Price, who also has been an effective option on screen passes, and Jeremiyah Love, an explosive, one-cut runner. Gi'Bran Payne is another option because he can line up in the slot and excels in multiple facets.

For ACC, power conferences, off-site help on football replay reviews is now essential

BY AARON BEARD
AP SPORTS WRITER

CHARLOTTE, N.C. — Video panels covered the wall with crisp HD images of Atlantic Coast Conference teams playing on the season's first full Saturday slate. Alberto Riveron watched intently, observing every detail possible as the league's new supervisor of football officials.

That is, until one game stopped for a replay review.

Riveron moved across the room to join staffers pulling up replays and consulting with stadium officials on a targeting penalty. Moments later, a definitive replay angle appeared on a wall-mounted monitor, with the group studying and discussing the frame-by-frame sequence.

"That's the only shot he needs to see," Riveron said confidently as a staffer communicated via headset with stadium officials who confirmed the call.

Every Power Five conference uses collaborative replay, which uses a centralized location to assist on-site officials. For the ACC, it takes place here in a tech-heavy gameday center — more than three times bigger than its predecessor — in the league's new headquarters in a downtown tower overlooking the home stadium for the NFL's Carolina Panthers.

From Charlotte to Irving, Texas (Big 12); Pittsburgh (Big Ten); San Francisco (Pac-12) and Birmingham, Alabama (Southeastern Conference); the goal is the same: make the right call and do it quickly.

"We're not, in the middle of the third quarter, going to move the ball by a yard or a yard and a half, or put a second back on the clock," Riveron said in an interview with The Associated Press. "Because again, players play, coaches coach and officials officiate. Down the line, we're all going to make mistakes.

ASSOCIATED PRESS

Alberto Riveron, left, the Atlantic Coast Conference supervisor of football officials, works in the league's new tech-heavy gameday center — roughly four times larger than the previous setup — in the league's new headquarters in a downtown tower overlooking the stadium home of the NFL's Carolina Panthers on Sept. 2 in Charlotte, N.C.

It's to catch the big mistake — the egregious mistake — and to stay consistent throughout the process."

Seven years ago, the ACC and SEC used collaborative replay on an experimental basis and reported their findings to the NCAA rules committee, while the Pac-12 used it in limited-field fashion. Now it's an integral part of officiating across the sport's highest level.

Steve Shaw, NCAA national coordinator of football officials, said conferences track officiating accuracy and they report rates exceeding 96% across all leagues. Data provided by Shaw or from the power conferences show replay reviews catch many of the incorrect calls that get through the on-field chaos in real time.

Off-site replay centers, Shaw said, work in a supporting role. Everything still starts with a stadium replay official stopping a game for any review.

"People think collaborative replay is this thing that you let the replay official do their work. You're monitoring everything. The only time you jump in is when things go down a wrong path or if they're not considering a reviewable aspect of the play."

For 2022, there were 820 plays overturned on review on 1,927 stoppages (42.6%) at the FBS level for the regular season and league championship games.

The power-conference average in 2022 — with some leagues limiting their data to the regular season, others including bowls — was similar (44.5%). The Big 12 had the lowest of that group at 34%, followed by the SEC (35.2%), Big Ten (46%), ACC (50%) and Pac-12 (54%).

Doing it quickly is another challenge.

Clemson coach Dabo Swinney wants "a good streamlined process" in each game. North Carolina coach Mack Brown wants "more critical reviews in a shorter period of time." For Shaw, the national goal is much more specific: stay

onds. For the power conferences, four of five were in the 90-second range, while the Pac-12 was near the target at 2 minutes, 6 seconds.

Despite involving added voices in the process, Shaw said collaborative replay improves speed. It's about having more eyes searching for the best available replay along with being a co-pilot to stadium officials in evaluating replays and making step-by-step through rule interpretation.

"Many, many reviews end with the replay official in the stadium leading the entire process, collaborative replay officials listening in," said John McGinty, Shaw's successor as SEC coordinator of football officials. "And at the end just having a simple, 'We good?' And the collaborator says, 'Yep.' And we move on."

That's Riveron's goal, too, back in the ACC.

He worked as a college and NFL on-field official who eventually became NFL senior vice president of officiating. The ACC announced his hiring last November while preparing to move within North Carolina from Greensboro — the city where it was founded in 1953 — to Charlotte.

The league is putting finishing touches on its headquarters, but the gameday center is full go.

The eye-catcher is that 140-square-foot display capable of showing 16 different video feeds at once on the front wall, while multiple video stations line each side of the room. At the back of the 1,216-square-foot space are windows overlooking downtown, quite a change from the windowless 365-square-foot space in the former Greensboro headquarters.

TOWN OF RUMFORD
PUBLIC NOTICE

Notice is hereby given that the Municipal Officers will hold a public hearing on September 21st, 2023 at 6:00 p.m. in the Rumford Public Auditorium of the Municipal Building on the following:

Public Hearing for Adoption of Local General Assistance Ordinance and Yearly Appendices for Fiscal Year 2023-2024 Maximums.

Stacy Carter, Town Manager

RUMFORD WATER DISTRICT
FALL FLUSHING NOTICE

During the next several days, the Rumford Water District will be flushing all water mains and hydrants of the water system. Depending on unforeseen circumstances, the following schedule listed could vary.

FRIDAY	SEPT. 15, 2023
MONDAY	SEPT. 18, 2023
TUESDAY	SEPT. 19, 2023
WEDNESDAY	SEPT. 20, 2023
THURSDAY	SEPT. 21, 2023
FRIDAY	SEPT. 22, 2023

Mains and Hydrants beginning at Milligan Well, Andover Rd., Route 2, Mayville Road, Route 2, Mayville Road, Penley Corner, Hall Rd., Jeff Kennedy Lane, Raymond St. and Blanchard Lane.

All Mains and Hydrants in the Virginia Area and Irish Ridge.

Falls Hill, Bridge St., Spruce St., Holyoke Ave., Maple St., Pine St., Knox St. and Franklin St.

Franklin St., Washington St., Pineapple St., Smelthorn St., York St. and Forest Ave. West.

Hemlock Park, Somerset St., Cumberland Park, Highland Park, Hancock St., Swift River Park, Waldo St., Cumberland St. and Falmouth St.

Fore St., Congress St., Canal St., Railroad St. and Mechanic Row.

Customers are reminded that while the Water Flushing Crew may not be flushing in streets in your immediate area, a loss of pressure or discolored water may result in all sections of the water system for the duration of the flushing operation. Therefore, to prevent problems, users are advised to avoid using washing machines or dishwashers at the same time whenever flushing is in progress and Saturday is normally the best time to properly schedule the water consuming activities. We regret the inconvenience but it is necessary. Thank you for your cooperation.

The Rumford Water District will not be responsible for damage to piping or appliances not equipped with proper vacuum breaking valves in working condition.

John Kelley, Superintendent

TOWN OF RUMFORD
145 CONGRESS STREET
RUMFORD, MAINE 04276
REQUEST FOR PROPOSALS (RFP)
SITE SALE AND REDEVELOPMENT

Town of Rumford will be accepting proposals for the redevelopment of Town property located at 35 Congress St and shown on Map 121 Lot 043, Map 121 Lot 042 and Map 121 Lot 038 of the Town tax maps ("the property") along with all rights and interest in the land at the same location(s).

All inquiries concerning the request for proposals should be addressed to George O'Keefe, Economic Development Director for the Town of Rumford, at (207) 364-4578 ext #243, or via e-mail at gokeefe@rumfordme.com and be received no later than 4:00 pm on Friday October 13, 2023.

Proposals must be submitted in a sealed envelope clearly marked "35 Congress Street RFP" to the Attn: Town Manager, Town of Rumford, 145 Congress Street, Rumford, ME 04276 by 1:00 pm, Monday, October 16, 2023. Proposals will be reviewed by the Board of Selectpersons within 30 days of the submission deadline. The Board of Selectpersons reserves the right to ask further questions, request additional information and conduct interviews at their own discretion.

The full RFP is available on the Town Website www.rumfordme.org

PUBLIC NOTICE

The Auburn Community Development Office announces the publication of the Consolidated Annual Performance and Evaluation Report (CAPER). This report details how CDBG & HOME funds, as provided by the U.S. Department of Housing & Urban Development (HUD), were expended during program Year 2022. Prior to submitting the CAPER to HUD, the Auburn/Lewiston consortium must provide reasonable notice and opportunity for the public to comment on the plan no less than 15 days.

Public comments will be accepted until October 2nd, 2023. Comments may be submitted to CDBG@auburnmaine.gov or delivered in person to the Business & Community Development Office. A Public Hearing will be held by the Auburn City Council on October 2nd, 2023.

Request printed copies, translations, or other accommodations by emailing CDBG@auburnmaine.gov or call the Community Development Office at (207) 333-6601

View the reports at AuburnMaineGov.gov or scan the QR code to download:

SCAN ME

Public Notices are a permanent and independent record of government and court actions. These include state and local government meetings, rule making, available contracts, zoning changes, and many more, as required by law. In addition, parties to some court proceedings, such as foreclosures, probate, and estate actions are required to publish notices to ensure notification of affected parties, as well as the general public. These notices also alert business owners, large and small, to potential government contracts and actual jobs, helping to ensure economic activity across a level playing [illegible] Public notices have existed to ensure transparency in all levels [illegible] since the founding of the United States.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

No changes were made to the city's program objectives during the program year

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-50 - HOME 24 CFR 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in 24 CFR §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The city has begun utilizing the Code Enforcement office to assist in the completion of HQS and property standard inspections.

Activity #904, Vincent Square: Desk monitoring was conducted on the property. On-site inspection was not conducted on the 6 units. On-site inspection will be completed by 12/31/2023.

Activity #1175, Tedford Housing: desk monitoring was conducted on the property. On-site inspection was not conducted on the 6 units. On-site inspection will be completed by 12/31/2023.

Activity #1821, Gauvreau Place: units 202 and 211 were inspected post-construction. No deficiencies were found to remedy.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 24 CFR 91.520(e) and 24 CFR 92.351(a)

Property owners are mandated to develop and uphold both a Management Plan and a Marketing Plan that actively advance Fair Housing objectives. Owners are accountable for the impartial selection of residents, ensuring nondiscriminatory practices. Additionally, they are responsible for maintaining a documented waiting list of applicants, adhering to the project's resident selection policies and criteria. These policies must conform to all federal and state regulations prohibiting discrimination based on various factors, such as race, color, national origin, religion, sex, physical or mental handicap, sexual orientation, familial status, ancestry, and receipt of public assistance.

Eight properties were required to follow an affirmative marketing plan this year. The city did not effectively monitor these properties on their affirmative marketing activities, which will be rectified by 12/31/2023.

The city has recently revised its affirmative marketing plan to align with the evolving needs of the community. This encompasses the introduction of new outreach methods, translation services, and enhanced accessibility provisions.

Data on the amount and use of program income for projects, including the number of projects and owner and tenant characteristics.

One program was funded with HOME program income. Gauvreau Place, activity #1821, received $289,000 in program income funding to finance the development of two rental units. Both of these units were occupied following their construction. The tenants had the following characteristics: one family of African-American descent and one family of Caucasian descent, one household consisting of three individuals, and another household consisting of a single individual. One single parent household, one single, non-elderly household. Neither household was Hispanic/latino.

Describe other actions taken to foster and maintain affordable housing. 24 CFR 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 24 CFR 91.320(j)

The cities of Auburn and Lewiston actively support the construction and upkeep of affordable housing through their Housing Development and Rehabilitation programs. These initiatives provide federal funding to developers and property owners to cover eligible costs while stipulating that the units created or refurbished must maintain affordability. The affordability criteria are set according to HUD guidelines, with rent limits established at either the Fair Market Rent (FMR), Low HOME Rent, or High HOME Rent levels.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 14 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes,preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

Other.					

Table 15 – Qualitative Efforts - Number of Activities by Program

Narrative

The city did not have a project which required Section 3 tracking. Outreach efforts continued during the program year, including hosting lead hazard control and RRP training for local contractors and their employees.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Ordinance:** 22-10162023

Author: John Blais, Deputy Director of Planning and Permitting

Subject: First reading on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

---

Information: This text amendment proposes to close the gap between 401 square feet and 699 square feet in size which are not permitted in the City of Auburn and differentiates minimum sizes between detached dwelling units and accessory dwelling units. The minimum dwelling size in Auburn is currently 700 square feet. However, tiny houses are also allowed and defined as being 400 square feet or less. This means that there is currently no allowance for homes between 400 and 700 square feet. At the 10/10/2023 planning board public hearing the board forwarded a positive recommendation to the Council supporting the proposed changes to amend the 700 square feet requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade and an accessory dwelling unit must be at least 190 square feet in area above grade as specified in state law. The proposed change differentiates between a one family detached dwelling and an accessory building. The planning board requested that section 60-2 Definitions- number two read that each one-family detached dwelling unit must be at least 400 square feet above grade in size. Staff made that change in the draft ordinance to reflect this request in the ordinance language provided for your review in this first reading. The planning board also recommended allowing for the minimum size of dwelling units and accessory dwelling units in Auburn to change if the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard. The text change itself is attached to the ordinance accompanying these materials.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council adopt the first reading of this ordinance text change.

Previous Meetings and History: August 8, 2023- planning board workshop; September 12, 2023- planning board workshop; October 10, 2023- planning board public hearing.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance, recommendation to city council, planning board staff report, zoning text amendment sec. 60-2, state rules for LD 2003 and 1706 redlined version, research for planning board questions.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions
Date: 10/16/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on October 10, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ZONING TEXT AMENDMENT: Amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet. This item was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND:** Darren Finnegan seconds.

"I make a motion to recommend sending forward a positive recommendation to council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. For an **accessory dwelling unit**, an accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling. I would also request that section 60-2 Definitions-number two read 'each one family detached dwelling unit must be at least 400 square feet above grade in size and an accessory detached dwelling unit must be 190 square feet above grade in size, unless the technical building code and standards board pursuant to 10 M.R.S. §9722, adopts a different minimum standard if so, that standard applies.'" **VOTE:** 7-0-0 motion passes.

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

I. *Dwelling, one-family attached,* means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. ~~Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~ Each one-family attached accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

II. *Dwelling, one-family detached,* means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. ~~Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~ Each one family detached dwelling unit must be at least 400 square feet above grade in size, and~~,~~ an accessory detached dwelling unit must be 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 400 or more square feet and~~and are 700 or more square feet, and~~ which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Is To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

Date: October 10, 2023

I. **PROPOSAL**: Currently, the existing ordinance definition requires a minimum of 700 SF of net floor space for single-family attached and detached dwelling. State Law (Chapter 219, Sec 1. 30-A MRSA §4363), provides provisions for tiny homes with no minimum size of up to 400 square feet. However, this leaves a gap in the allowable size of new dwelling units, where units ranging from 401 to 699 SF are in what is considered a "void in allowance" and is currently not allowed. Planning Board at the August 10, 2023, meeting requested additional clarifying information to include the following:

A. Tiny Home Statute and Guidance from the State Fire Marshall
B. Density; Remains the same, but could see increase as LD 2003/1706/Chapter 5
C. Lending Specialist (Value vs. Square Footage)
D. Adopted Language by Department of Economic and Community Development LD 2003/1706/Chapter 5

On the September 12, 2023, workshop, planning board asked to identify both accessory dwelling size and dwelling size to provide guidance for revised minimum standards that meet requirements under the tiny home provision and banking standards.

A. A tiny house has two potential types of tiny homes; constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a "dwelling unit for human occupancy" or constructed on a site in a more traditional stick-built manner but meeting certain size standards established in the laws and codes adopted. Maximum size is 400 SF. Construction is regulated under two standards; If the tiny home is constructed on a frame or chassis, it is considered within the motor vehicle regulations and will require a title similar to an RV intended for use in public ways. This unit construction type is regulated by ANSI A119.5 or NFPA 1192.
The second type of tiny home would be a structure constructed under the same codes standards as a larger, more traditional dwelling on a foundation, but still meeting size requirements of less than 400 SF This unit construction is identified in the Maine Uniform Building and Energy Code (MUBEC) rules under the International Residential Code (IRC), Chapter 5.

B. Density is dependent upon the underlying zone, but LD 2003 and 1706 suggest the following language under the Department of Economic and Community Development guidelines under chapter 5. Dwelling Unit Allowance

If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. Ch. 423-A, and is:

i. Located within a designated growth area consistent with 30-A M.R.S. §4349 A(1)(A)-(B); or

ii. Served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

C. Lending Rules and Value per Assessing/Appraiser: As a rule, lenders **will not mortgage** the typical dwelling that has a foundation and is stick built between 190 livable square feet (SF) and 500 SF as per the general lending rules followed by the banks underwriting team. They currently are not financing any home smaller than 500 SF. For lower income home buyers who utilize Maine State Housing Agency, (MSHA) won't finance smaller than 500 sq ft and most banks follow their policy since they do quite a few MSHA loans. In addition, for any purchase where the buyer can't put 20% down the loan will need Private Mortgage Insurance (PMI) and the insurers have a minimum home size of 500 sq ft.
The typical RV intended tiny home that can be towed over the road will never be considered as separate mortgage, some tiny homes are being financed through home equity lending practices.

The appraisal does consider value in the finished basement but does not consider it actual SF therefore the value is diminished some. The lending institutions, as a rule would write a mortgage for a 500 SF home regardless of if part of the finished space is below grade if the home meets all the ordinance, building code and utility requirements.

D. D. REF: Chapter 5, An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. To note: LD 2003/1706/Chapter 5 is silent on where the 190 SF is derived from the basement or above grade. The municipality has discretion to determine whether to consider finished basements as part of that 190 SF.

As this smaller home movement gets momentum and policies at state and insurer level are updated, staff is guessing banks will make changes too, therefore is suggesting 190 SF above grade for minimum Square Feet.

II. **PLANNING BOARD ACTION/STAFF SUGGESTIONS:** Staff suggest a planning board discuss the proposals and hold a public hearing. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an **accessory dwelling unit** of 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling.

STATE OF MAINE
Department of Public Safety
Office of State Fire Marshal
52 State House Station
Augusta, ME 04333-0052

JANET T. MILLS
GOVERNOR

MICHAEL SAUSCHUCK
COMMISSIONER

JOSEPH E. THOMAS
STATE FIRE MARSHAL

Tiny House – Code and Land Use Standards
February 8, 2022

Tiny Houses have been included in several recent Maine laws that impact the construction and placement of such homes in the State. This memo is to provide clarification to Code Officials on code and land use standards associated.

WHAT IS A TINY HOUSE - There are two potential types of tiny home:

- constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a "dwelling unit for human occupancy".
- constructed on a site in a more traditional stick-built manner, but meeting certain size standards established in the laws and codes adopted.

Tiny Homes is defined in Statute as:

80-C. Tiny home. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:
A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles; [PL 2019, c. 650, §1 (NEW).]
B. Does not exceed 400 square feet in size; [PL 2019, c. 650, §1 (NEW).]
C. Does not exceed any dimension allowed for operation on a public way under this Title; and [PL 2019, c. 650, §1 (NEW).]
D. Is a vehicle without motive power. [PL 2019, c. 650, §1 (NEW).]
"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.
[PL 2019, c. 650, §1 (NEW).]

As defined, this applies to those constructed on a frame or chassis and considered within the Motor Vehicle regulations and will require a TITLE similar to an RV or other motor vehicle intended for use on public ways. This would assume that the unit would be constructed to and inspected to standards in ANSI A119.5 or NFPA 1192. These standards contain many regulations that address all components of the unit associated with a mobile unit served by

interior plumbing, heating, cooking, and living to be used as living quarters. This type of construction's interior layout, structural or rough in are not the responsibility of the LPI/Code Officer. These items will be covered under the titling requirements as identified above. The only task of an LPI/CEO is to assess the placement relative to local zoning and connection to on-site systems and utilities.

The second type of tiny home would be a structure constructed under the same codes and standards as a larger, more traditional dwelling and on a foundation, but still meeting the size limitation of less than 400 SF. This is identified in the MUBEC rules under the IRC (Chapter 5) which would be allowed the use of Appendix V (attached.) Appendix V provides some code exceptions that have been approved to accommodate the limited size and deemed to provide an acceptable level of safety for the occupants. This type of construction would be subject to all other utility codes adopted by the State of Maine, to include but not limited to, the Maine Internal Plumbing code, State Electrical codes and Fuel Gas codes.

The result of both types provides a completed unit intended for permanent occupancy and would be considered as a Single-Family Dwelling. In both cases, the units would be subject to all normally required on-site facilities and associated utilities to provide for permanent occupancy. This would include the provisions for connection to a potable water supply, sanitary facilities and any required utilities to provide for the safety of the occupants of the unit or structure. This would include compliance with appropriate municipal connections or on-site sanitation and drinking water.

As a result of confusion on placement of tiny homes relative to local zoning, the most recent legislation (below) addresses the issue. Tiny homes are now to be considered as permanent dwelling units subject to the same local zoning regulations as other single-family dwellings. The intent was to provide definition of the use of tiny homes. As stated in statute, all other aspects of local zoning would apply equally to tiny homes.

Please note that other questions about the new law relative to the condition of a home or its placement, may arise in the future, but the only significant change is to the recognition that either type should be considered the same as any other primary single family dwelling. The features of the structure regarding size and construction would be subject to the codes and standards above, but placement on site is based on your local zoning ordinance relative to setbacks and lot size. Before a community is asked to grant a permit for a tiny home you should consult with your local attorney relative to your specific ordinances and any further limitations they may contain.

This memo is intended for informational purposes only and should not be considered a legal opinion.

OFFICES LOCATED AT: 45 COMMERCE DRIVE, SUITE 1, AUGUSTA, MAINE 04330
(207) 626-3870 ADMINISTRATION/ INVESTIGATIONS (207) 287-3659 TDD
(207) 626-3880 INSPECTIONS/ PLANS REVIEW (207) 287-6251 FAX

H.P. 1134 - L.D. 1530

An Act To Allow People To Live in Tiny Homes as a Primary or Accessory Dwelling

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4363 is enacted to read:

§4363. Regulation of tiny homes

1. Definition. For the purposes of this section, "tiny home" has the same meaning as in Title 29-A, section 101, subsection 80-C.

2. Location of tiny homes. A municipality shall permit a tiny home to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure.

Below is the ADOPTED language from Chapter 5 of the Maine Uniform Building and Energy Codes to address specific exceptions related to the construction of Tiny Homes meeting the statute noted above:

2015 International Residential Code
APPENDIX V TINY HOUSES
CHAPTER PART AV101— GENERAL
AV101.1 Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.
CHAPTER PART AV102— DEFINITIONS
AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.
EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.
LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.
LOFT. A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.
TINY HOUSE. A dwelling that is 400 square feet (37 m) or less in floor area excluding lofts.
CHAPTER PART AV103— CEILING HEIGHT
AV103.1 Minimum ceiling height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.
Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).
CHAPTER PART AV104— LOFTS
AV104.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.
AV104.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m).
AV104.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.
AV104.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.
2
2
Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.
AV104.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections AV104.2.1 through AV104.2.4.
AV104.2.1 Stairways. Stairways accessing lofts shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5.
AV104.2.1.1 Width. Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).
AV104.2.1.2 Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.
AV104.2.1.3 Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:
1. The tread depth shall be 20 inches (508 mm) minus 4/3 of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus 3/4 of the tread depth.
AV104.2.1.4 Landing platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.
AV104.2.1.5 Handrails. Handrails shall comply with Section R311.7.8.
AV104.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with Section R312.1.

IBC 2015

1208.2 Minimum ceiling heights. Occupiable spaces, *habitable spaces* and *corridors* shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family *dwellings*, beams or girders spaced not less than 4 feet (1219 mm) on center shall be permitted to project not more than 6 inches (152 mm) below the required ceiling height.
2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
3. The height of *mezzanines* and spaces below *mezzanines* shall be in accordance with Section 505.1.
4. Corridors contained within a *dwelling unit* or *sleeping unit* in a Group R occupancy shall have a ceiling height of not less than 7 feet (2134 mm).

1208.2.1 Furred ceiling. Any room with a furred ceiling shall be required to have the minimum ceiling height in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

ADU- Single & DUPLEX

1208.3 Room area. Every *dwelling unit* shall have no fewer than one room that shall have not less than 120 square feet (11.2 m^2) of *net floor area*. Other habitable rooms shall have a *net floor area* of not less than 70 square feet (6.5 m^2). = 190SF

Exception: Kitchens are not required to be of a minimum floor area.

1208.4 Efficiency dwelling units. An efficiency living unit shall conform to the requirements of the code except as modified herein:

1. The unit shall have a living room of not less than 220 square feet (20.4 m^2) of floor area. An additional 100 square feet (9.3 m^2) of floor area shall be provided for each occupant of such unit in excess of two.

Min 220SF for up to 2 people

2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

SECTION 1209
ACCESS TO UNOCCUPIED SPACES

1209.1 Crawl spaces. Crawl spaces shall be provided with not fewer than one access opening that shall be not less than 18 inches by 24 inches (457 mm by 610 mm).

1209.2 Attic spaces. An opening not less than 20 inches by 30 inches (559 mm by 762 mm) shall be provided to any *attic* area having a clear height of over 30 inches (762 mm). Clear headroom of not less than 30 inches (762 mm) shall be provided in the *attic* space at or above the access opening.

1209.3 Mechanical appliances. Access to mechanical appliances installed in under-floor areas, in *attic* spaces and on roofs or elevated structures shall be in accordance with the *International Mechanical Code*.

SECTION 1210
TOILET AND BATHROOM REQUIREMENTS

[P] 1210.1 Required fixtures. The number and type of plumbing fixtures provided in any occupancy shall comply with Chapter 29.

1210.2 Finish materials. Walls, floors and partitions in toilet and bathrooms shall comply with Sections 1210.2.1 through 1210.2.4.

1210.2.1 Floors and wall bases. In other than *dwelling units*, toilet, bathing and shower room floor finish materials shall have a smooth, hard, nonabsorbent surface. The intersections of such floors with walls shall have a smooth, hard, nonabsorbent vertical base that extends upward onto the walls not less than 4 inches (102 mm).

1210.2.2 Walls and partitions. Walls and partitions within 2 feet (610 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of not less than 4 feet (1219 mm) above the floor, and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

Exception: This section does not apply to the following buildings and spaces:

1. Dwelling units and sleeping units.
2. Toilet rooms that are not accessible to the public and that have not more than one water closet.

Accessories such as grab bars, towel bars, paper dispensers and soap dishes, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

1210.2.3 Showers. Shower compartments and walls above bathtubs with installed shower heads shall be finished with a smooth, nonabsorbent surface to a height not less than 72 inches (1829 mm) above the drain inlet.

1210.2.4 Waterproof joints. Built-in tubs with showers shall have waterproof joints between the tub and adjacent wall.

[P] 1210.3 Privacy. Privacy at water closets and urinals shall be provided in accordance with Sections 1210.3.1 and 1210.3.2.

[P] 1210.3.1 Water closet compartment. Each water closet utilized by the public or employees shall occupy a

80-C. Tiny home. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles; [PL 2019, c. 650, §1 (NEW).]

B. Does not exceed 400 square feet in size; [PL 2019, c. 650, §1 (NEW).]

C. Does not exceed any dimension allowed for operation on a public way under this Title; and [PL 2019, c. 650, §1 (NEW).]

D. Is a vehicle without motive power. [PL 2019, c. 650, §1 (NEW).]

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing

APPROVED
JUNE 16, 2023
BY GOVERNOR

CHAPTER
192
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 1095 - L.D. 1706

An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law requires, beginning July 1, 2023, all municipalities to allow a certain number of dwelling units under certain circumstances and the construction of accessory dwelling units on the same lot as a single-family dwelling unit and to comply with certain other zoning requirements; and

Whereas, it is the intent of this legislation to extend the implementation date for certain municipalities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4364, first ¶, as enacted by PL 2021, c. 672, §4, is amended to read:

For an affordable housing development approved on or after ~~July 1, 2023~~ the implementation date, a municipality with density requirements shall apply density requirements in accordance with this section.

Sec. 2. 30-A MRSA §4364, sub-§1, as enacted by PL 2021, c. 672, §4, is amended to read:

1. Definition. For the purposes of this section, "affordable housing development" means:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~

51% or more of the units ~~that the developer designates as affordable~~ in the development without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~ 51% or more of the units ~~that the developer designates as affordable~~ in the development without spending more than 30% of the household's monthly income on housing costs.

Sec. 3. 30-A MRSA §4364, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" means:

A. January 1, 2024 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

B. July 1, 2024 for all other municipalities.

Sec. 4. 30-A MRSA §4364, sub-§3, as enacted by PL 2021, c. 672, §4, is amended to read:

3. Long-term affordability. Before ~~approving~~ granting final approval of an affordable housing development, including but not limited to issuing an occupancy permit, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

Sec. 5. 30-A MRSA §4364, sub-§6, as enacted by PL 2021, c. 672, §4, is amended to read:

6. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel~~ of ~~land in accordance with~~ subchapter 4.

Sec. 6. 30-A MRSA §4364-A, sub-§1, as enacted by PL 2021, c. 672, §5, is amended to read:

1. Use allowed. Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which ~~housing is~~ residential uses are allowed, including as a conditional use, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing

dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality may allow more units than the number required to be allowed by this subsection.

Sec. 7. 30-A MRSA §4364-A, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" has the same meaning as in section 4364, subsection 1-A.

Sec. 8. 30-A MRSA §4364-A, sub-§2, ¶B, as enacted by PL 2021, c. 672, §5, is amended to read:

B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after ~~July 1, 2023~~ the implementation date is torn down and an empty lot results.

Sec. 9. 30-A MRSA §4364-A, sub-§3, as enacted by PL 2021, c. 672, §5, is amended to read:

3. General requirements. A municipal ordinance may not establish dimensional requirements ~~or~~, including but not limited to setback requirements, for dwelling units allowed under this section that are greater than dimensional requirements ~~or~~, including but not limited to setback requirements, for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.

Sec. 10. 30-A MRSA §4364-A, sub-§7, as enacted by PL 2021, c. 672, §5, is amended to read:

7. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel~~ of ~~land in accordance with~~ subchapter 4.

Sec. 11. 30-A MRSA §4364-A, sub-§10, as enacted by PL 2021, c. 672, §5, is amended to read:

10. Implementation. A municipality is not required to implement the requirements of this section until ~~July 1, 2023~~ the implementation date.

Sec. 12. 30-A MRSA §4364-B, sub-§1, as enacted by PL 2021, c. 672, §6, is amended to read:

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which ~~housing is~~ residential uses are permitted, including as a conditional use.

Sec. 13. 30-A MRSA §4364-B, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" has the same meaning as in section 4364, subsection 1-A.

Sec. 14. 30-A MRSA §4364-B, sub-§2, as enacted by PL 2021, c. 672, §6, is amended by amending the first blocked paragraph to read:

This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to ~~July 1, 2023~~ the implementation date.

Sec. 15. 30-A MRSA §4364-B, sub-§3, as enacted by PL 2021, c. 672, §6, is amended to read:

3. Zoning requirements. With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; ~~and~~

B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section ~~or section 4364-A~~, the lot is not eligible for any additional increases in density except as allowed by the municipality~~.~~; and

C. An accessory dwelling unit is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity.

Sec. 16. 30-A MRSA §4364-B, sub-§4, ¶B, as corrected by RR 2021, c. 2, Pt. A, §110, is amended to read:

B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of ~~July 1, 2023~~ the implementation date, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and setback requirements for an accessory dwelling unit.

Sec. 17. 30-A MRSA §4364-B, sub-§4, ¶D is enacted to read:

D. An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this section.

Sec. 18. 30-A MRSA §4364-B, sub-§5, as enacted by PL 2021, c. 672, §6, is amended to read:

5. Shoreland zoning. An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances, except that a municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

Sec. 19. 30-A MRSA §4364-B, sub-§8, ¶A, as enacted by PL 2021, c. 672, §6, is amended to read:

A. Establish an application and permitting process for accessory dwelling units that does not require planning board approval;

Sec. 20. 30-A MRSA §4364-B, sub-§10, as enacted by PL 2021, c. 672, §6, is amended to read:

10. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel~~ of ~~land in accordance with~~ subchapter 4.

Sec. 21. 30-A MRSA §4364-B, sub-§13, as enacted by PL 2021, c. 672, §6, is amended to read:

13. Implementation. A municipality is not required to implement the requirements of this section until ~~July 1, 2023~~ the implementation date.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

19-100 DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Chapter 5: HOUSING OPPORTUNITY PROGRAM: MUNICIPAL LAND USE AND ZONING ORDINANCE RULE

Summary: This chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

Note: This chapter incorporates by reference certain material. The Appendix lists the material that is incorporated by reference, the date for each reference, and the organization where copies of the material are available.

SECTION 1. PURPOSE AND DEFINITIONS

A. PURPOSE

1. This chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

2. Municipalities need not adopt this rule language or the statutory language in 30-A M.R.S. §§ 4364 to 4364-B ~~P.L. 2021 Ch. 672~~ word for word. The Department encourages municipalities to consider local planning documents and other special local considerations, and to modify language into one that meets the needs of a particular community and the minimum requirements of this legislation. Municipalities may wish to adopt ordinances that are more permissive, provided that such ordinances are equally or more effective in achieving the goal of increasing housing opportunities. If a municipality does not adopt ordinances to comply with 30-A M.R.S. §§ 4364 to 4364-B ~~P.L. 2021 Ch. 672~~, this legislation will preempt municipal home rule authority.

3. These rules do not:

   a) Abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this rule, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine;

   b) Exempt a subdivider from the requirements in Title 30-A Chapter 187 subchapter 4;

c) Exempt an affordable housing development, a dwelling unit, or accessory dwelling unit from the shoreland zoning requirements established by the Department of Environmental Protection pursuant to Title 38 Chapter 3 and municipal shoreland zoning ordinances; ~~or~~

d) Abrogate or annul minimum lot size requirements under Title 12 Chapter 423-A; or~~.~~

~~d)~~e) Apply to a lot or portion of a lot that is within the watershed of a water source located in Lewiston or Auburn and that is used to provide drinking water by a water utility that has received a waiver from filtration pursuant to 40 C.F.R. §§ 141.70 to 141.76, as determined by the Maine Department of Health and Human Services.

B. DEFINITIONS

All terms used but not defined in this chapter shall have the meanings ascribed to those terms in Chapter 187 of Title 30-A of the *Maine Revised Statutes*, as amended. Municipalities need not adopt the terms and definitions outlined below word for word. The Department encourages municipalities to consider local planning documents and other special local considerations, and to modify language into one that meets the needs of a particular community. Municipalities may wish to adopt terms and definitions that are more permissive, provided that such terms and definitions are equally or more effective in achieving the goal of increasing housing opportunities.

Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and municipalities may impose a maximum size.

Affordable housing development. "Affordable housing development" means

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~51% or more of the units ~~that the developer designates as affordable~~ in the development without spending more than 30% of the household's monthly income on housing costs; and

2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~51% or more of the units ~~that the developer designates as affordable~~ in the development without spending more than 30% of the household's monthly income on housing costs.

~~3. For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.~~

~~4.~~3. For purposes of this definition, "housing costs" include, but are not limited to:

a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

Area median income. "Area median income" means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Attached. "Attached" means connected by a shared wall to the principal structure or having physically connected finished spaces.

Base density. "Base density" means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Centrally managed water system. "Centrally managed water system" means a water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

~~**Certificate of occupancy.** "Certificate of occupancy" means the municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the *Maine Uniform Building and Energy Code* adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.~~

Comparable sewer system. "Comparable sewer system" means any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

Comprehensive plan. "Comprehensive plan" means a document or interrelated documents consistent with 30-A M.R.S. § 4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

Conditional use. "Conditional use" means a use permitted on a lot in a zoning district by a municipal legislative body, subject to certain conditions not generally applicable to other lots located in that zoning district.

Density requirements. "Density requirements" mean the maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated growth area. "Designated growth area" means an area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

Dimensional requirements. "Dimensional requirements" mean requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

Duplex. "Duplex" means a structure containing two (2) dwelling units.

Dwelling unit. "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Existing dwelling unit. "Existing dwelling unit" means a residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

~~**Housing**. "Housing" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, theis does not include dormitories, boarding houses or other similar types of housing units; (2); and (3) This also does not include tTransient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.~~

Implementation date. "Implementation date" means:

1. January 1, 2024, for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

2. July 1, 2024, for all other municipalities.

3. For purposes of this definition, "further action or approval by the voters of the municipality" means municipalities that have a town meeting form of government.

Land use ordinance. "Land use ordinance" means an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

Lot. "Lot" means a single parcel of developed or undeveloped land.

Multifamily dwelling. "Multifamily dwelling" means a structure containing three (3) or more dwelling units.

Municipality. "Municipality" means a city or a town, excluding all unorganized and deorganized townships, plantations, and towns that have delegated administration of land use controls to the Maine Land Use Planning Commission pursuant to 12 M.R.S. §682(1).

Potable. "Potable" means safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants*.

Principal structure. "Principal structure" means a structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.

Quadplex. "Quadplex" means a structure containing 4 (four) dwelling units.

Residential use. "Residential use" means a use permitted in an area by a municipal legislative body to be used for human habitation. Residential uses may include single-family, duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. For purposes of this rule, the following uses are not included under this definition, unless otherwise allowed in local ordinance: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals.

Restrictive covenant. "Restrictive covenant" means a provision in a deed, or other covenant conveying real property, restricting the use of the land.

Setback requirements. "Setback requirements" mean the minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

Single-family dwelling unit. "Single-family dwelling unit" means a structure containing one (1) dwelling unit.

Structure. "Structure" means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).

Triplex. "Triplex" means a structure containing three (3) dwelling units.

Zoning ordinance. "Zoning ordinance" means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

SECTION 2. AFFORDABLE HOUSING DENSITY

A. GENERAL

This Section requires municipalities to allow an automatic density bonus for certain affordable housing developments approved on or after ~~July 1, 2023~~the implementation date, as outlined below. This section only applies to lots in zoning districts that have adopted density requirements.

B. ELIGIBILITY FOR DENSITY BONUS

1. For purposes of this section, a municipality shall verify that the development:

   a) Is an affordable housing development as defined in this chapter, which includes the requirement that a majority of the total units on the lot are affordable;

   b) Is in a designated growth area pursuant to 30-A M.R.S. §4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;

   c) Is located in an area in which multifamily dwellings are allowed per municipal ordinance;

   d) Complies with minimum lot size requirements in accordance with Title 12 Chapter 423-A; and

   e) Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:

      i. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

ii. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

iii. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

iv. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

2. Long-Term Affordability

Prior to granting ~~a certificate of occupancy or other final approval of~~ final approval of an affordable housing development, including but not limited to issuing an occupancy permit, a municipality must require that the owner of the affordable housing development (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction:

a) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

b) For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

C. DENSITY BONUS

If the requirements in Section 2(B)(1) and (2) are met, a municipality must:

1. Allow an affordable housing development to have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location; and

2. Require no more than two (2) off-street parking motor vehicle spaces for every three (3) dwelling units of an affordable housing development.

If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number. Local regulation that

chooses to round up shall be considered consistent with and not more restrictive than this law. The number of motor vehicle parking spaces may be rounded up or down to the nearest whole number.

SECTION 3. DWELLING UNIT ALLOWANCE

A. GENERAL

This section requires municipalities to allow multiple dwelling units on lots where ~~housing is~~ residential uses are allowed, including as a conditional use, ~~allowed~~ beginning on ~~July 1, 2023~~the implementation date, subject to the requirements below. The requirements listed in Section 3 apply to municipalities with and without zoning. Private, state or local standards such as homeowners' association regulation, deed restrictions, lot size, set back, density, septic requirements, minimum lot size, additional parking requirements, growth ordinance permits, shoreland zoning and subdivision law, may also apply to lots.

B. REQUIREMENTS

1. Dwelling Unit Allowance

a) If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. Ch. 423-A, and is:

i. Located within a designated growth area consistent with 30-A M.R.S. §4349 A(1)(A)-(B); or

ii. Served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

b) If a lot does not contain an existing dwelling unit and does not meet i. or ii. above, a municipality must allow up to two (2) dwelling units per lot located in an area in which housing is allowed, provided that the requirements in 12 M.R.S. Ch. 423-A are met. The two (2) dwelling units may be (1) within one structure; or (2) separate structures.

c) If a lot contains one existing dwelling unit, a municipality must allow the addition of up to two (2) additional dwelling units:

i. One within the existing structure or attached to the existing structure;

ii. One detached from the existing structure; or

iii. One of each.

d) If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot unless allowed under local municipal ordinance.

e) A municipality may allow more units than the minimum number of units required to be allowed on all lots that allow housing.

2. Zoning

With respect to dwelling units allowed under this Section, municipalities with and without zoning ordinances must comply with the following:

a) If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision.

b) Municipalities may establish a prohibition or an allowance for lots where a dwelling unit in existence after ~~July 1, 2023~~the implementation date, is torn down and an empty lot results.

3. Dimensional and Setback Requirements

a) A municipal ordinance may not establish dimensional requirements, including but not limited to ~~or~~ setback requirements, for dwelling units allowed pursuant to this Section that are more restrictive than the dimensional requirements ~~or~~, including but not limited to setback requirements, for single-family housing units.

4. A municipality may establish requirements for a lot area per dwelling unit as long as the additional ~~dwelling units~~lot area required for each additional dwelling unit is proportional to the lot area per dwelling unit of the first unit.

5. Water and Wastewater

a) The municipality must require an owner of a proposed housing structure to provide written verification that each proposed structure is to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:

i. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

ii. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing

inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

iii. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

iv. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance, a municipality may:

1. Establish an application and permitting process for dwelling units;

2. Impose fines for violations of building, site plan, zoning, and utility requirements for dwelling units; and

3. Establish alternative criteria that are less restrictive than the requirements of Section 3(B)(4) for the approval of a dwelling units only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. §4353(4)(A), (B), or (C).

SECTION 4. ACCESSORY DWELLING UNITS

A. GENERAL

1. A municipality must allow, effective ~~July 1, 2023~~on the implementation date, one accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which ~~housing is allowed~~ residential uses are permitted, including as a conditional use, subject to the requirements outlined below. The requirements listed in Section 4 apply to municipalities with and without zoning. Private, state or local standards such as homeowners' association regulation, deed restrictions, set back, density, septic requirements, shoreland zoning and subdivision law may also apply to lots.

2. A municipal ordinance that allows more than one accessory dwelling unit or that allows accessory dwelling units to be established in relation to duplex, triplex, quadplex, and other multi-unit buildings shall be considered consistent with the goals of 30-A M.R.S. §§ 4364 to 4364-B. ~~P.L. 2021 Ch. 672.~~

~~2.~~3. A municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet the shoreland zoning requirements established by the Department of Environmental Protection, Title 28, Chapter 3, and municipal shoreland zoning ordinances.

B. REQUIREMENTS

1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

a) Within an existing dwelling unit on the lot;

b) Attached to a single-family dwelling unit; or

c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

A municipality may allow an accessory dwelling unit to be constructed or established within an existing accessory structure, except the setback requirements of Section 4(B)(3)(b)(i) shall apply.

2. Zoning

With respect to accessory dwelling units, municipalities with zoning ordinances and municipalities without zoning must comply with the following conditions:

(a) At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; ~~and~~

(b) If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density, except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision; and

(c) An accessory dwelling unit is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot area.

3. Other

With respect to accessory dwelling units, municipalities must comply with the following conditions:

a) A municipality must exempt an accessory dwelling unit from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;

b) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements, excluding lot area requirements, and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit;

i. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of ~~July 1, 2023~~the implementation date, the required setback requirements in local ordinance of the existing accessory or secondary building apply.

c) A municipality may establish more permissive dimensional requirements and setback requirements for an accessory dwelling unit.

d) An accessory dwelling unit may not be subject to any additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

~~d)~~e) An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this Section.

4. Size

a) An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

b) Municipalities may set a maximum size for accessory dwelling units in local ordinances, as long as accessory dwelling units are not less than 190 square feet.

5. Water and Wastewater

A municipality must require an owner of an accessory dwelling unit to provide written verification that the proposed accessory dwelling unit is to be connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:

a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any

additional flow created by the unit and proof of payment for the connection to the sewer system;

b) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

d) If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance under this Section, a municipality may:

1. Establish an application and permitting process for accessory dwelling units that does not require planning board approval~~;~~

2. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and

3. Establish alternative criteria that are less restrictive than the above criteria in Section 4 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. §4353(4)(A), (B), or (C).

D. RATE OF GROWTH ORDINANCE

A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance pursuant to 30-A M.R.S. §4360.

STATUTORY AUTHORITY:

PL 2021 Ch. 672, PL 2023 Ch. 192, and PL 2023, ch. 264, codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B.

EFFECTIVE DATE:

April 18, 2023 – filing 2023-056

AMENDED

APPENDIX

List of Reference Material

Reference Material	Location to Obtain Document
U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table, March 2018.	U.S. Environmental Protection Agency Office of Water Drinking Water Hotline 1-800-426-4791
10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water, May 9, 2016	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016
Resolve 2021, Ch. 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants	Maine State Legislature Legislative Information Office- Document Room 100 State House Station Augusta, ME 04333 207-287-1408 webmaster_house@legislature.maine.gov
01-672 C.M.R. Ch. 10, Land Use Districts and Standards, December 30, 2022	Maine Department of Agriculture, Conservation & Forestry Bureau of Resource Information and Land Use Planning Land Use Planning Commission 22 State House Station Augusta, Maine 04333 207-287-2631
10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules, August 3, 2015	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016

ORDINANCE 22-10162023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, That the Auburn City Council amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet as shown in the attached zoning text amendment.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions
Date: 10/16/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on October 10, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ZONING TEXT AMENDMENT: Amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet. This item was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND:** Darren Finnegan seconds.

"I make a motion to recommend sending forward a positive recommendation to council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. For an **accessory dwelling unit**, an accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling. I would also request that section 60-2 Definitions-number two read 'each one family detached dwelling unit must be at least 400 square feet above grade in size and an accessory detached dwelling unit must be 190 square feet above grade in size, unless the technical building code and standards board pursuant to 10 M.R.S. §9722, adopts a different minimum standard if so, that standard applies.'" **VOTE:** 7-0-0 motion passes.

City of Auburn
City Council Information Sheet

Council Meeting Date: October 16, 2023 **Ordinance:** 23-10162023

Author: Katherine Cook, Planning Coordinator

Subject: First reading: zoning map amendment changing UR and LDCR zoning to T-4.2B in Area B.

Information: Today the City Council holds the first reading on amending the City of Auburn zoning map to rezone certain land area general located near Vickery Road area from Urban Residence zoning district and Low-Density Country Residential Zoning District Traditional Neighborhood Form Based Code T-4.2B zoning district. This hearing follows three planning board public hearings on the most appropriate zone change supported by the comprehensive plan. The planning board recommended the map amendment as depicted attached as it provides connectivity between the Vickery Road neighborhood and the area zoned T-4.2B off South Main Street earlier identified as area A1. The planning board's recommendation includes a request that they later make a recommendation on rezoning the area south of the of the proposed T-4.2B boundary to a zone which accommodates a density of approximately eight units per acre. Staff plans to bring this additional as a separate consideration for workshop in December.

City Budgetary Impacts: None known.

Staff Recommended Action: Staff suggests that council adopt the first reading of this zoning map amendment.

Previous Meetings and History: May 21, 2022-planning board workshop on areas A, B, C, and D; July 11, 2023- planning board public hearing on areas A, B, C, and D (all tabled); August 8, 2023- planning board public hearing on areas A1, A2, B1 & B2, C, and D (recommendations on all but area B); September 13, 2023- planning board workshop on area B option 1 and area B option 2 (recommendation to proceed with option 1); October 10, 2023- public hearing on area B option 1.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Draft ordinance with map, recommendation from planning board, area B map, staff report, T-4.2B ordinance text.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Planning board recommendation to city council on zoning map amendment changing UR and LDCR zoning to T-4.2B in Area B.
Date: 10/16/2023

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on October 10, 2023, the Planning Board forwards this report to the City Council.

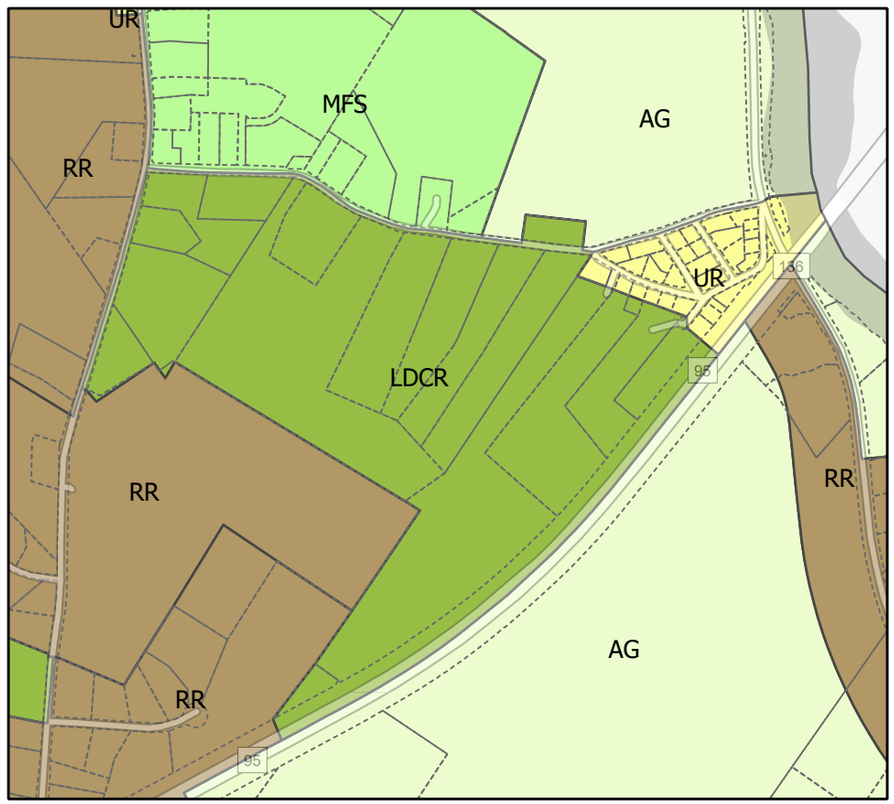
PROPOSAL: PUBLIC HEARING/ZONING MAP AMENDMENT T-4.2B "AREA B": Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item was initiated by the City Council and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND**: Evan Cyr seconds.

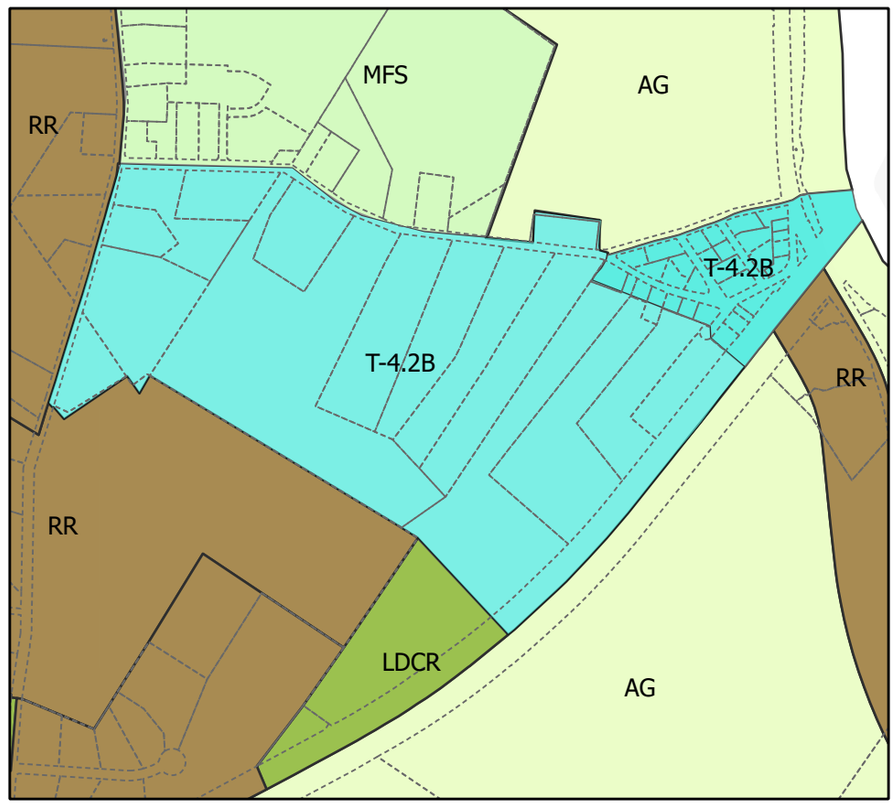
"I make a motion to forward a favorable recommendation to city council to amend the official zoning map of the City of Auburn entitled *City of Auburn, Zoning Map, dated May 16, 2016,* revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the corresponding map and presented in this meeting."

VOTE: 7-0-0. Motion passes.

Area B: Option 1



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

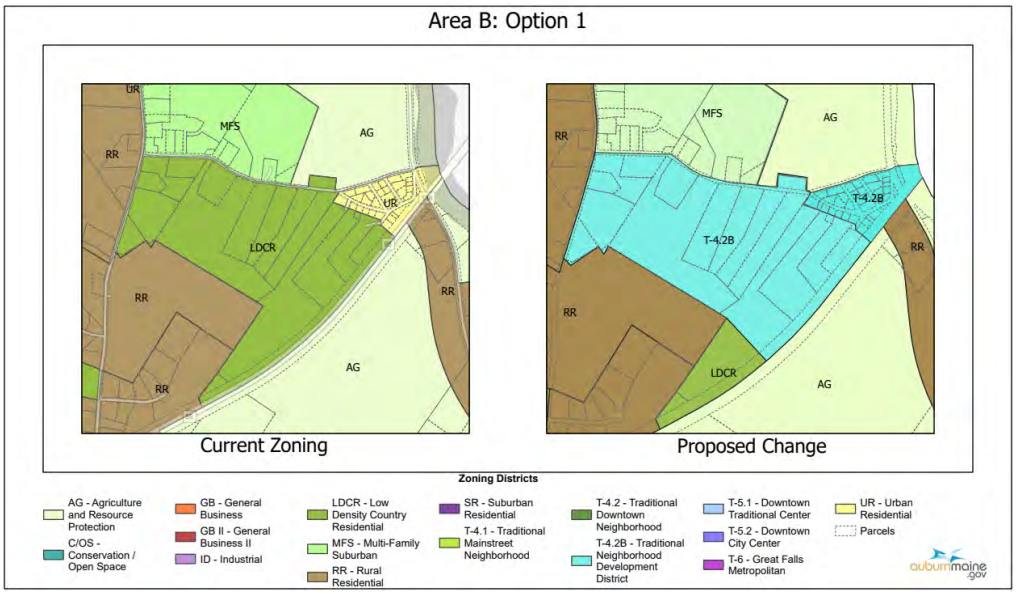
auburnmaine.gov

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: October 10, 2023

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on Map Amendment for Area B in the Vickery Road Area

I. **Public Hearing/ Map Amendment "Area B":** Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.



II. **Background:** On September 13, 2023, the planning board reviewed two options for the zone change boundaries of Area B. Staff presented "Option 1" which applied T-4.2B to the Vickery Road Neighborhood, and the current Low Density Country Residential area south of Vickery Road between South Main Street and Riverside Drive, and "Option 2," which extended the zoning change further down South Main Street to the Turnpike also changing affecting the Rural Residential zone. The planning board decided to hold a public hearing the following month on "Area B, Option 1" because it aligns more closely to the Comprehensive Plan, which calls for a less dense development pattern than T-4.2B would produce in areas to the south of Vickery Road. The planning board specified they prefer the zone change boundaries follow "Option 2" presented at the September meeting and asked that the staff prepare a workshop presenting possible zones that would accomplish the Comprehensive Plan's guidance of approximately 8 units per acre. Staff plans to have that workshop before the Board for the November meeting.

Previous Meetings:
- **May 21, 2022**—Planning Board Workshop on Area A, B, C, and D
- **July 11, 2023**—Planning Board Public Hearing on Area A, B, C and D. All areas were tabled with recommendations for staff to bring to the following meeting.

- **August 8, 2023**—Planning Board Public Hearing on Area A1, A2, B1 & B2, Area C, and Area D. Planning Board made recommendations on all map amendments except Area B. They asked to see the different option to connect Area B to Area B1
- **September 13, 2023—**Planning Board Workshop on "Area B Option 1" and "Area B Option 2" which depicted different boundaries for the potential zone change. Planning Board directed staff to prepare Area B Option 1 for a Public Hearing

III. **Department Review:**
- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

IV. **Planning Board Action:** Staff recommends that the Board forward a positive recommendation to the Council under Sec. 46-374 supporting the proposed changes.

V. **Suggested Motion***:* I make a motion to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the corresponding map and presented in the materials for this meeting.

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

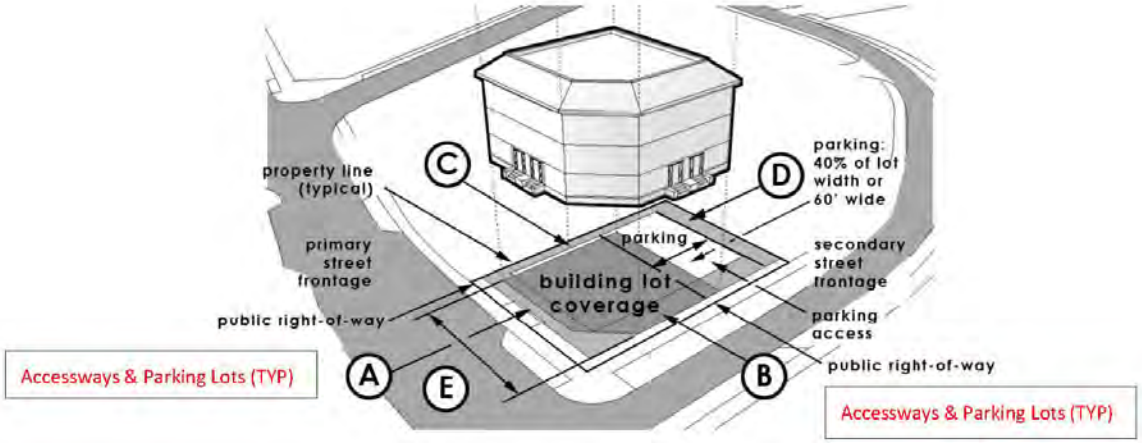
The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

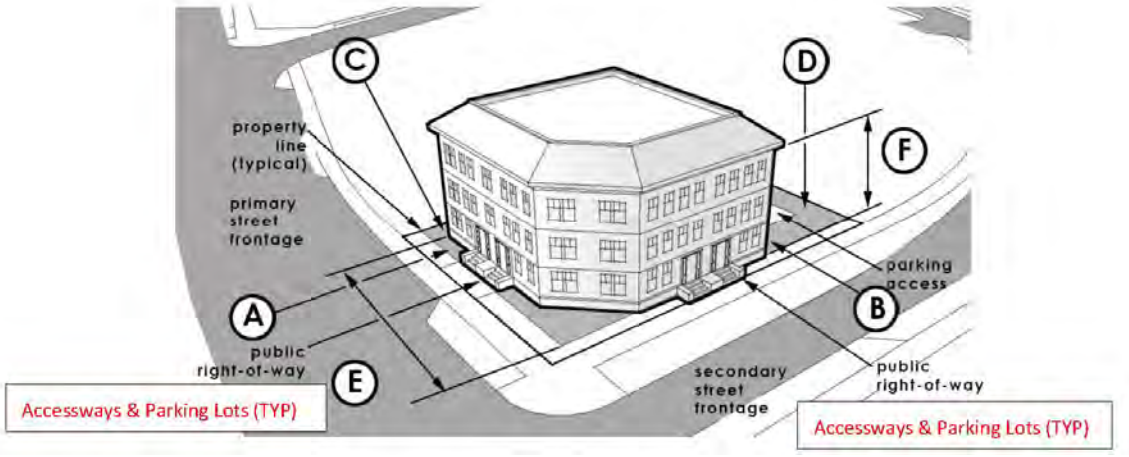
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



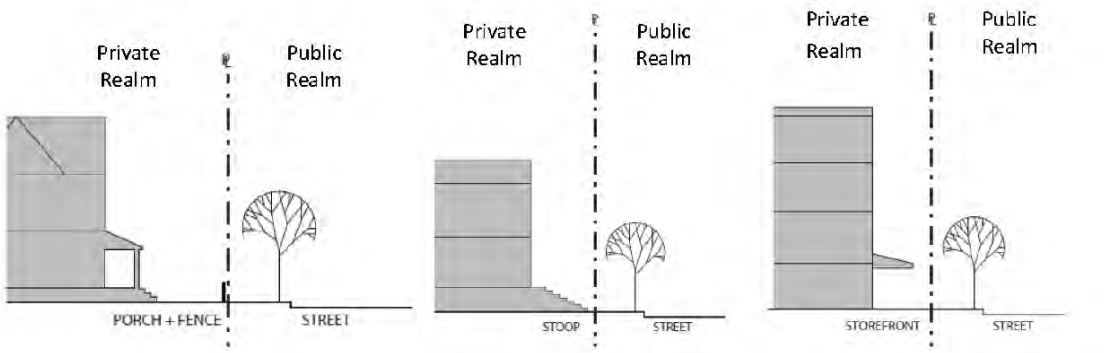
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.3. External elements T-4.2B.

Front yard fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

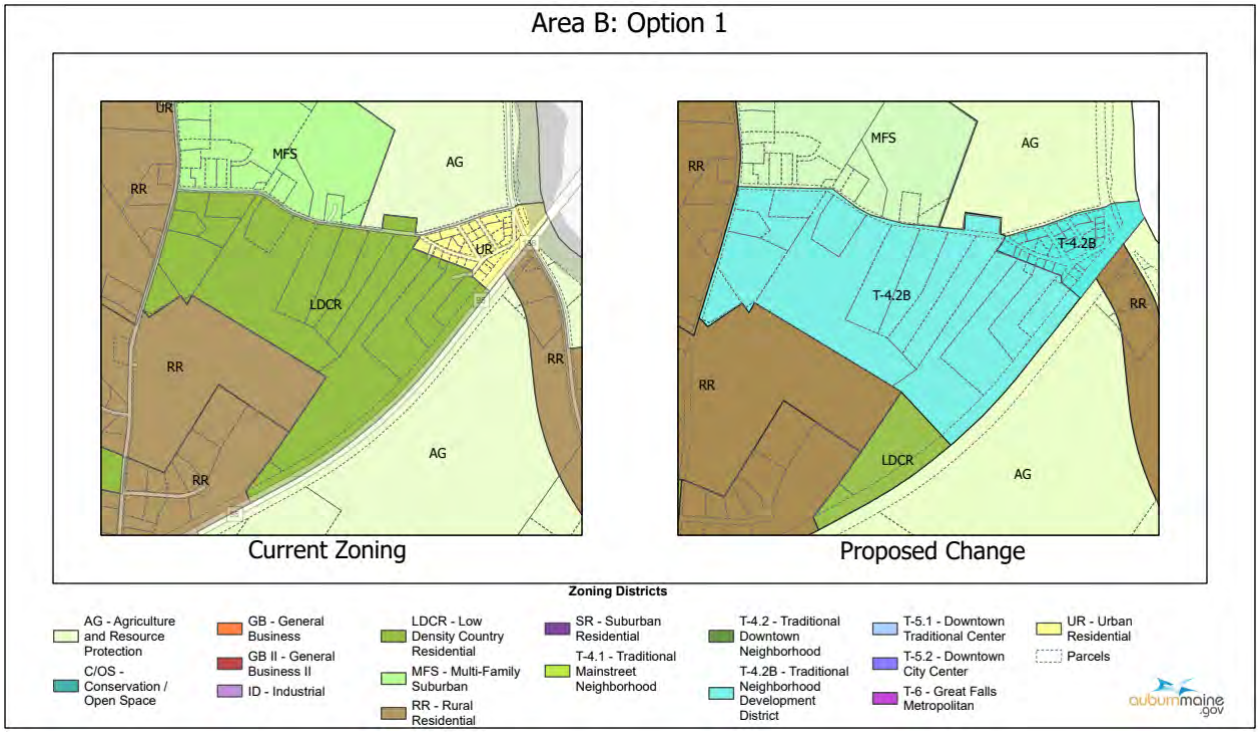
ORDINANCE

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and LDCR zoning to T-4.2B in Area B.

Be it ordained, That the Auburn City Council Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map labeled Area B: Option 1.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Order:** 131-10162023

Author: Jill M. Eastman, Finance Director

Subject: Authorizing Issuance of General Obligation Bonds and A Tax Levy Therefor

---

Information: This is the Public Safety Building Project for FY 23-24 that we are recommending for bonding. Please see attached sheet that describes the project being funded. This Bond Issue will be on the November 2023 ballot to be approved by the citizens of Auburn due to the charter. This Bond issue needs to be approved by Council before the voting takes place.

City Budgetary Impacts: This is a 20-year bond, interest only for FY 25 and principal and interest payments for 20 years.

Staff Recommended Action: Hold a public hearing and recommend passage of the first reading.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:
Copy of the Order.

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing and first reading on Monday, October 16, 2023, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing the City's general obligation bonds in the principal amount not to exceed $45,000,000 to finance a new public safety facility to house the headquarters of the City's Police Department and Fire Department. The order is available for inspection on the City's website: www.auburnmaine.gov/pages/government/budget-fy24**.**

Following the public hearing and first reading, the City Council expects to conduct a second reading and take final action on the order at its October 23, 2023 meeting.

Members of the public that attend and would like to offer public comment during the meeting, you may do so by speaking at the podium located in Council Chambers.

Written comments may be sent via email to: **comments@auburnmaine.gov**. Your comments will be included in the meeting minutes.

The City Council meeting will also be broadcast on Great Falls TV (cable channel 11) and on the City of Auburn YouTube channel.

ORDER 131-10162023

City Council Order

IN CITY COUNCIL

TITLE: ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

WHEREAS, pursuant to Order 119-09052023 (the "Bond Referendum Order"), the City Council submitted a referendum question to the voters of the City of Auburn to see if they would authorize the issuance of the City's general obligation bonds (and notes in anticipation thereof) in the principal amount not to exceed $45,000,000 to finance a new public safety facility to house the headquarters of the City's Police Department and Fire Department (referred to as the "Public Safety Building Project"); and

WHEREAS, the City Council now desires to supplement the Bond Referendum Order to hold a public hearing with respect to the Public Safety Building Project and the bonds prior to the referendum vote and to establish certain details of the bonds, if approved by the voters;

NOW, THEREFORE, be it hereby ORDERED by the Auburn City Council, following a public hearing duly called and held as required by Section 8.13 of the Auburn City Charter:

THAT subject to and conditioned on an approving vote of the voters of the City pursuant to the Referendum Order and Section 8.13(C)(2) of the City Charter, there is hereby authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof in the principal amount not to exceed $45,000,000, the proceeds of which, including original issue premium and investment earnings thereon, if any, are hereby appropriated to finance the Public Safety Building Project.

Be It Further Ordered by the Auburn City Council:

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to prepare, issue, and sell the City's bonds and notes in the aggregate amount of $45,000,000, which issuance and sale may be at one time or from time to time as one or more separate bond issues, or consolidated with any other issue of bonds and notes authorized to be issued by the City Council, as term bonds or serial bonds, through a public offering or a private placement, on a competitive or negotiated basis, or some combination of any of the foregoing, all as the Finance Director shall determine to be appropriate in her sole discretion.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the form, dates, maturities (not to exceed the maximum term permitted by law), denominations, interest rates, place of payment, provisions for redemption prior to the stated maturity date(s), with or without a premium, as provided in Title 30-A, §5772(6) of the Maine Revised Statutes, as amended, and all other details of the bonds and notes.

THAT the bonds and notes shall be executed in the name of and on behalf of the City by the City's Finance Director and its Treasurer, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the City seal thereon, attested by its Clerk.

City Council Order

THAT in each year the bonds remain outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the principal and interest then coming due on the bonds.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve, execute and deliver such contracts, agreements, loan agreements (including but not limited to one or more loan agreements with the Maine Municipal Bond Bank), investment agreements, bond purchase agreements, continuing disclosure agreements, official statements, certificates, tax certificates, instruments, a Letter of Representation or other agreement required to allow the bonds or notes to be issued through the Depository Trust Company Book-Entry Only System, and such other documents (all collectively, the "Bond Documents"), as may be necessary or advisable in order to accomplish the issuance of the bonds and notes and the investment of the proceeds thereof, to maintain the tax-exempt status of such bonds and notes, and, to the extent available under the Internal Revenue Code of 1986, as amended (the "Code"), to designate the bonds and notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, which Bond Documents may be in such form and contain such terms and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, and such other details as she shall approve, such approval to be conclusively evidenced by the execution thereof.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds, notes or any Bond Document, the person or persons then acting in any such capacity, whether on an interim or acting or temporary basis, as an assistant, a deputy, or otherwise, is authorized to act for such official, in the name of and on behalf of the City, with the same force and effect as if such official had himself or herself performed such act

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT the City may pay certain costs of the projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.

THAT during the term any of the bonds are outstanding, the Finance Director and Treasurer of the City are hereby authorized, in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to

City Council Order

determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, which may be made callable, with or without premium, prior to their stated date(s) of maturity, and to determine the form and manner of their sale and award, which refunding bonds shall be signed in like manner as the bonds.

THAT during the term any of the bonds are outstanding, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

THAT the referendum question submitted to the voters pursuant to the Referendum Order shall be substantially as set forth therein but, shall be accompanied by the financial statement required pursuant to Title 30-A, §5772(2-A) of the Maine Revised Statutes.

A public notice describing the general purpose of the borrowing and the terms thereof and the times and places where copies of the bond proposal were available for inspection by the public was published on or before September 28, 2023, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on October 16, 2023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Order:** 132-10162023

Author: Phil Crowell, City Manager

Subject: Recycling Program

Information:
At the September 18th meeting, the city council authorized the city manager to modify the solid waste agreement with Casella to reintroduce a pilot recycling program, by using the allocated funding authorized in the FY24 budget.

An agreement has been reached for the eight-month program at a cost of $19,189 per month and expires with our existing solid waste agreement on June 30, 2024. The details of the program include:

1. Starting November 1, 2023, every other week curbside collection of recycling to all solid waste participants in the city.
2. Accepted materials will include #1, #2, #5 plastics, cardboard, and mixed paper.
3. Launch of the Recycle Better App which will provide direct communication and education to Auburn residents regarding Auburn's program. A collection calendar to receive service day reminders on your mobile device. Lastly, receive real-time updates and alerts (email, text, or phone call).
4. Use of the Waste Wizard Tool to assist you with what items are recyclable.
5. Distribution of Auburn-specific direct mail educational pieces produced by Casella.
6. Periodic reporting of data collected by Casella, to include recycling program participation by household, and percentage of overall waste collected.
7. Retaining the centralized drop-off containers located at Public Works.

The Auburn Sustainability Workgroup supports the reintroduction of curbside recycling and will work with city staff in preparing an RFP (Request for Proposals) for a new contract to be initiated July 1, 2024.

City Budgetary Impacts: $153,512 for recycling curbside pick-up - $189,000 was budgeted

---

Staff Recommended Action: Approve the modified agreement

Previous Meetings and History: September 5, 2023 and September 18, 2023 council meetings

---

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 132-10162023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the City Manager to execute the modified solid waste agreement to include curbside recycling with Casella using allocated funding that was authorized in the FY24 budget.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Order:** 133-10162023

Author: Phil Crowell, City Manager

Subject: ARPA Allocation to Auburn Ski Association

Information: The Auburn Ski Association provides opportunities for students to participate in alpine ski activities. They are requesting an allocation of $10,317.00 from the American Rescue Plan Act (ARPA) funds to purchase an alpine ski timing system. This easy to use system will allow several youth programs (Auburn Middle School, Edward Little High School, Lost Valley Race Department, and Lost Valley Race Club) to access race timing score and improve their abilities and confidence.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate $10,317.00 from ARPA funds to the Auburn Ski Association to purchase an alpine ski timing system.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
*Timing system description.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Order:** 133-10162023

Author: Phil Crowell, City Manager

Subject: ARPA Allocation to Auburn Ski Association

Information: The Auburn Ski Association provides opportunities for students to participate in alpine ski activities. They are requesting an allocation of $10,317.00 from the American Rescue Plan Act (ARPA) funds to purchase an alpine ski timing system. This easy to use system will allow several youth programs (Auburn Middle School, Edward Little High School, Lost Valley Race Department, and Lost Valley Race Club) to access race timing score and improve their abilities and confidence.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate $10,317.00 from ARPA funds to the Auburn Ski Association to purchase an alpine ski timing system.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:
*Timing system description.

ORDER 133-10162023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates $10,317.00 from the American Rescue Plan Act (ARPA) funds to the Auburn Ski Association to purchase an alpine ski timing system.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Order:** 134-10162023

Author: Phil Crowell, City Manager

Subject: ARPA Allocation to ELHS Outdoor Club

Information: The Edward Little High School "Outdoor Club" provides opportunities for students to participate in outdoor activities. Advisors to the club would like to build a foundation of successful activities that will increase interest, support, and grow the club for many years to come. They are requesting an allocation of $10,000.00 from the American Rescue Plan Act (ARPA) funds to purchase gear, clothing, accessories, transportation costs, etc. to kickstart their program.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate $10,000.00 from ARPA funds to kickstart the Edward Little High School "Outdoor Club".

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Order:** 134-10162023

Author: Phil Crowell, City Manager

Subject: ARPA Allocation to ELHS Outdoor Club

Information: The Edward Little High School "Outdoor Club" provides opportunities for students to participate in outdoor activities. Advisors to the club would like to build a foundation of successful activities that will increase interest, support, and grow the club for many years to come. They are requesting an allocation of $10,000.00 from the American Rescue Plan Act (ARPA) funds to purchase gear, clothing, accessories, transportation costs, etc. to kickstart their program.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate $10,000.00 from ARPA funds to kickstart the Edward Little High School "Outdoor Club".

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 134-10162023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates $10,000.00 from the American Rescue Plan Act (ARPA) funds to the Edward Little High School “Outdoor Club” to build a foundation of successful outdoor activities/opportunities that will increase student interest, support, and grow the club.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 134-10162023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates $10,000.00 from the American Rescue Plan Act (ARPA) funds to the Edward Little High School “Outdoor Club” to build a foundation of successful outdoor activities/opportunities that will increase student interest, support, and grow the club.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Order:** 135-10162023

Author: Brian Wood, Assistant City Manager

Subject: ARPA Allocation to Special Olympics as "Presenting Sponsor"

Information: The annual Special Olympics 2024 Winter Games will be hosted at Lost Valley in February 2024. Special Olympics Maine is seeking a "Presenting Sponsor" for the event. The City of Auburn would like to allocate $10,000.00 from the American Rescue Plan Act (ARPA) funds for the "Presenting Sponsor" designation.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate $10,000.00 from ARPA funds to Special Olympics Maine for the "Presenting Sponsor" designation.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDER 135-10162023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates $10,000.00 from the American Rescue Plan Act (ARPA) funds to Special Olympics Maine to be the "Presenting Sponsor" for the "Special Olympics Maine Winter Games 2024" to be held at Lost Valley in February 2024.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023 **Order:** 136-10162023

Author: Brian Wood, Assistant City Manager

Subject: ARPA Allocation for Public Safety at the Special Olympics Winter Games

---

Information: The annual Special Olympics 2024 Winter Games will be hosted at Lost Valley in February 2024. The City of Auburn would like to allocate up to $5,000.00 from the American Rescue Plan Act (ARPA) funds to provide public safety costs (Police and EMS services) associated with the event.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate up to $5,000.00 from ARPA funds to provide public safety costs associated with the February 2024 Special Olympics to be held at Lost Valley.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDER 136-10162023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates up to $5,000.00 from the American Rescue Plan Act (ARPA) funds to provide public safety costs (Police and EMS services) associated with Special Olympics Maine Winter Games 2024" to be held at Lost Valley in February 2024.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 16, 2023

Subject: Executive Session

Information: Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City Council Special Meeting
Agenda
October 23, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Special Meeting - Roll call votes will begin with Councilor Hawes

Pledge of Allegiance

Executive Session - Personnel Matter, pursuant to 1 M.R.S.A. §405(6)(A), with possible action to follow.
Requires at least a 3/5 vote of the members present and voting.

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 137-10232023***
   Re-appointing Timothy Cougle to the Parks & Recreation Advisory Board with a term expiration of 10-01-2025.

2. **Order 138-10232023***
   Appointing Julia Bergeron-Smith to the Parks & Recreation Advisory Board with a term expiration of 10-01-2025.

3. **Order 139-10232023***
   Re-appointing Celia McGuckian to the Auburn Housing Authority Board of Trustees with a term expiration of 10-01-2028.

4. **Order 140-10232023***
   Appointing Jonathan LaBonté to the Airport Board with a term expiration of 01-01-2026.

II. Communications, Presentations and Recognitions

- Recognition of Dan Campbell, the 2023 recipient of The John Jenkins Hands & Hearts Leadership & Service Award
- September Finance Report – Jill Eastman, Finance Director

III. Unfinished Business

1. **Order 131-10162023**
   Authorizing bonds for the Public Safety Building. Second reading.
   Requires an affirmative vote of five.

IV. New Business

1. **Order 141-10232023**
   Directing the City Manager to execute all documents necessary to apply for the PRO Housing Grant. **Public hearing and vote**.

V. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 23, 2023

Subject: Executive Session

Information: Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 23, 2023 **Orders:** 137-10232023 and 140-10232023

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on October 16, 2023, to review applications and make their nominations for various boards and committees of the City as follows:

Parks & Recreation Advisory Board – Julia Bergeron-Smith, new appointment, term expiration of 10/1/2025 and Timothy Cougle, re-appointment, term expiration of 10/01/2025.

Auburn Housing Authority – Celia McGuckian, re-appointment, term expiration of 10/1/2028.

Auburn-Lewiston Airport Board – Jonathan LaBonté, new appointment, term expiration of 01-01-2026.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint members as recommended by the Appointment Committee.

Previous Meetings and History: The Appointment Committee met on October 16, 2023 to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

October 10, 2023
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Airport Board	2	LaBonte	Jonathan	39 Coachman Avenue
Auburn Housing Authority	3	*McGuckian	Celia	10 Fairmount Avenue
	5	Westbye	Andrea	102 Second Street
Parks & Rec Advisory Board	5	Bergeron-Smith	Julia	1301 Jordan School Road
	1	*Cougle	Timothy	368 N. Auburn Road

* Indicates this applicant is seeking re-appointment

** Indicates this person is an associate/alternate member seeking full member status

VACANCIES

Auburn Housing Authority - 1 vacancy with a term expiration of 10/01/2028

Auburn - Lewiston Airport Board - 1 vacancy with a term expiration of 01/01/2026

Auburn Sewer District Board of Trustees - 1 vacancy with a term expiration of 03/01/2025

City Council Student Representative - 2 appointments

Parks & Recreation Advisory Board - 4 vacancies, three with term expirations of 10/01/2025, and one with a term expiration of 10/01/2024

Registration Appeals Board Chair - 1 vacancy with a 4 year term

Regulatory Advisory Board - 5 vacancies, two with term expirations of 6/1/2025, and three with term expirations of 6/1/2026

From: Susan Clements-Dallaire
To: Jonathan P LaBonte
Subject: FW: [External]A New Form Has Been Submitted - Board/Committee Application
Date: Tuesday, October 10, 2023 2:37:00 PM

Received - thank you!

-----Original Message-----
From: donotreply@auburnmaine.gov <donotreply@auburnmaine.gov>
Sent: Tuesday, October 10, 2023 2:36 PM
To: Susan Clements-Dallaire <sdallaire@auburnmaine.gov>
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Jonathan

Middle Initial:

Last Name: LaBonte

Residence Address: 39 Coachman Avenue

Ward: Ward 2

City: Auburn

Home Phone: 2075775356

Cell Phone: 2075775356

E-mail Address: jlabonte08@gmail.com

Current Occupation: Transportation Systems

Previous Occupation (if retired or no longer working):

Education and/or experience: Engineering and Public Administration

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Airport Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): To assist with the development and improved financial performance of the regional airport

What do you hope to accomplish?: Improved governance and management systems, improved financial transparency and accountability through the development of a business plan

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Lewiston and Auburn Railroad Company, Auburn Lewiston Airport

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Comprehensive Plan Update Committee (2010, 2021)

Dates served (if known):

How did you learn of this vacancy?: City website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Jonathan P. LaBonte

Date of Electronic Signature: October 10, 2023

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Monday, September 25, 2023 2:54 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Andrea

Middle Initial:

Last Name: Westbye

Residence Address: 102 Second Street

Ward: Ward 5

City: Auburn

Home Phone: 207-514-4307

Cell Phone: 207-514-4307

E-mail Address: awestbye@gmail.com

Current Occupation: Senior Real Estate Underwriter

Previous Occupation (if retired or no longer working):

Education and/or experience: MA Community Planning and Development from Muskie School of Public Service; work experience includes MSHA

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Auburn Housing Authority Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): To contribute to my community and gain a deeper understanding of affordable housing issues

What do you hope to accomplish?: To preserve and expand affordable housing options and help residents with self-sufficiency and resilience opportunities.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Board of Assessment Review- alternate member

Dates served (if known): Unknown- 10+ years ago, I believe

How did you learn of this vacancy?: City of Auburn website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Andrea Westbye

Date of Electronic Signature: 09/25/2023

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, September 5, 2023 10:49 AM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Celia

Middle Initial:

Last Name: McGuckian

Residence Address: 10 Fairmount Ave.

Ward: Ward 3

City: Auburn

Home Phone: 207-786-3979

Cell Phone: 207-2407511

E-mail Address: mainedeja@yahoo.com

Current Occupation: retired

Previous Occupation (if retired or no longer working): Retired college instructor

Education and/or experience: M.A. Liberal Arts, Un. of Richmond, VA; 22+ yr career at VA state housing authority including emphasis on affordable housing initiatives and community relations; served on international panel as sole U.S. representative to government of Mauritania

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Auburn Housing Authority Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): To continue serving the community to create and maintain affordable housing

What do you hope to accomplish?: Create more affordable housing opportunities

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: yes

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: serving on Auburn Housing Authority board

Dates served (if known): ? to current

How did you learn of this vacancy?: Housing Authority

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Celia McGuckian

Date of Electronic Signature: Sept. 5, 2023

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Monday, May 22, 2023 5:47 PM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Julia

Middle Initial: J

Last Name: Bergeron-Smith

Residence Address: 1301 Jordan School Road

Ward: Ward 5

City: Auburn

Home Phone: 2075132336

Cell Phone: 2075132336

E-mail Address: julia.bergeronsmith@gmail.com

Current Occupation: Policy Associate

Previous Occupation (if retired or no longer working):

Education and/or experience: Master of Policy, Planning, and Management, Master of Social Work, Bachelor of Arts

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I was born and raised in the LA area and first engaged in Recreation Department programming as 4 years old through the youth tennis program. Because of participating in that program every summer for the next 10 years, I went on to play high school and D3 college tennis. Being a tennis instructor for the Rec Department was actually my first job at 15. Through this experience as well as others, it is evident to me how important recreation resources and facilities are to communities. They bring people together, create an environment of growth, and often foster learning for everyone that engages in the programming. What is equally clear is that programming does not just happen by chance but is the product of hard work, teamwork, policies, and planning. I moved back to LA 4 years ago and I am eager to get more involved in the community now that we have settled. I believe I have the skillset and enthusiasm needed for this role.

What do you hope to accomplish?: I have a professional background in research, policy, community needs assessments, management, grant writing, customer service, and event planning. It is my hope that I can leverage these skills alongside the vast experience that already exists on the board to support special events, assess concerns and develop solutions, and collaborate with the board to envision long-range programming and community recreation.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known):

How did you learn of this vacancy?: April 20th Email from Sue Clements-Dallaire

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Julia Bergeron-Smith

Date of Electronic Signature: 5/22/23

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Tuesday, September 19, 2023 8:42 AM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Timothy

Middle Initial: A

Last Name: Cougle

Residence Address: 368 N. Auburn Road

Ward: Ward 1

City: Auburn

Home Phone: 2075772185

Cell Phone: 2075772185

E-mail Address: tcougle@auburnmaine.gov

Current Occupation: Deputy Police Chief

Previous Occupation (if retired or no longer working):

Education and/or experience: 4 year degree from University of Southern Maine

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Parks & Recreation Advisory Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): Continue to advocate for a diverse range of recreational opportunities throughout Auburn. Providing my own experience and insights regarding the various recreational opportunities available to our city.

What do you hope to accomplish?: I hope to serve long enough to see Auburn truly become a destination for recreation activity in our region. Weather this be through sport tourism, unique to Auburn indoor and outdoor recreation opportunities such as aquatics, downtown EV bike rentals that connect our downtown to an extensive trail networks leading to and around Lake Auburn. I would like see the committee continue to work on a dog park located near Gracelawn Rd, Lastly an extension of the Riverwalk north along Center St.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Parks and Rec Advisory Board

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Parks and Red Advisory Board

Dates served (if known):

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Timothy Cougle

Date of Electronic Signature: 09/19/2023

ORDER 137-10232023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Timothy Cougle to the Parks and Recreation Advisory Board, with a 10/01/2025 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 138-10232023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Julia Bergeron-Smith to the Parks & Recreation Advisory Board, with a 10/01/2025 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 139-10232023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Celia McGuckian to the Auburn Housing Authority Board of Trustees, with a 10/01/2028 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 140-10232023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Jonathan LaBonté to the Auburn-Lewiston Airport Board, with a 01/01/2026 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

THE MAYOR JOHN JENKINS HANDS & HEARTS LEADERSHIP & SERVICE AWARD

The City of Auburn is honored to present the third annual "Hands & Hearts Leadership & Service Award." This distinguished community service award is named in honor of Auburn Mayor John Jenkins, who passed away in 2020.

Each year, this prestigious award recognizes an Auburn resident, group, or organization for their significant impact on the quality of life in our great city. Like former Mayor Jenkins, recipients of this notable award will demonstrate one or more of the following qualities:

- Significant and meaningful service to the community
- Exceptional commitment to volunteerism
- Unselfish leadership and collaboration
- Creativity, cooperation, and hard work in service to others
- Inspiration to others as a role model, especially youth and
- Exemplary leadership in civic activities

The inaugural Hands & Hearts Award was presented in 2021 to Deputy Fire Chief Matthew Fifield. And the 2022 award was presented to ELHS Coach Mike Adams.

This year's recipient is a much-loved member of our community, and like John Jenkins himself, he has been a mentor, a coach, and a loyal friend. Dan Campbell is a longtime high school running/track coach, and a former drug abuse counselor. Most recently, Dan has been pouring his heart and soul into our homeless community, providing rides, food, supplies, and on nights of bad weather, a free night in a hotel to stay dry. He is also in the fight of his life against cancer.

Our 2023 Jenkins Award recipient embodies the qualities of service, integrity, inspiration, hard work, and commitment. He cares deeply for the people of our community, and we are honored to celebrate and recognize Dan Campbell.

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **September 2023 Financial Report**

DATE: **October 16, 2023**

The following is a discussion regarding the significant variances found in the City's September financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its third month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 25.0% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues, for the City, collected through September 30 were $31,500,446, or 42.63%, of the budget, which is a higher percentage than last year at this time. The percentage difference is 1.28% higher, and the dollar amount of collection is higher by $2,399,525. Accounts listed below are noteworthy.

A. Excise taxes of $1,250,908-up $27,834 from last year.

B. Property tax revenue of $26,010,967 an increase over last year of $540,877.

C. Homestead Exemption Reimbursement for the month of September is 74.62% or $1,320,847. This is an increase of the total amount due to receiving this payment earlier than last year.

Expenditures

City expenditures through September 30th were $9,444,002, or 17.46%, of the budget as compared to last year at $10,653,027 or 20.76%. Noteworthy variances are:

In the current fiscal year, the percentage of expenditures is less than last year by 3.30% or $1,209,025 less. The major differences are the timing of County Tax payment. County Tax will be posted in October this year not September like it was last year. Most of the departments are in line with last year's expenditures.

Investments

This section contains an investment schedule as of September 30th with a comparison to August 31st. Currently the City's funds are earning an average interest rate of 4.12% this year compared to 0.45% last year at this time.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of September 2023, August 2023, and June 2023

	September 30 2023	August 31 2023	Increase (Decrease)	Unaudited JUNE 30 2023
ASSETS				
CASH	$ 51,169,520	$ 37,004,201	$ 14,165,319	$ 43,592,529
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	564,821	658,389	(93,568)	2,703,976
TAXES RECEIVABLE-CURRENT	25,021,659	47,282,178	(22,260,519)	949,747
DELINQUENT TAXES	612,849	668,420	(55,571)	442,839
TAX LIENS	907,003	945,322	(38,319)	430,056
NET DUE TO/FROM OTHER FUNDS	1,392,247	(3,614,798)	5,007,044	(11,595,819)
TOTAL ASSETS	**$ 79,668,099**	**$ 82,943,713**	**$ (3,275,614)**	**$ 36,523,328**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ 953,955	$ 136,238	$ 817,717	$ 901,846
PAYROLL LIABILITIES	(275,240)	(1,398,593)	1,123,353	(350,435)
ACCRUED PAYROLL	43,709	(3,872,012)	3,915,721	(570,829)
STATE FEES PAYABLE	(224,342)	(175,666)	(48,676)	(129,140)
ESCROWED AMOUNTS	(32,562)	(31,062)	(1,500)	(32,462)
DEFERRED REVENUE	(26,517,709)	(48,872,119)	22,354,410	(1,798,833)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (26,052,190)**	**$ (54,213,214)**	**$ 28,161,023**	**$ (1,979,853)**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (50,617,092)	$ (25,731,683)	$ (24,885,409)	$ (31,544,658)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (53,615,908)**	**$ (28,730,499)**	**$ (24,885,409)**	**$ (34,543,474)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (79,668,099)**	**$ (82,943,713)**	**$ 3,275,613**	**$ (36,523,327)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH September 30, 2023 VS September 30, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU SEPT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU SEPT 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 53,935,348	$ 26,010,967	48.23%	$ 52,463,320	$ 25,470,090	48.55%	$ 540,877
PRIOR YEAR TAX REVENUE	$ -	$ 280,992		$ -	$ 62,686		$ 218,306
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,320,847	74.62%	$ 1,770,000	$ -	0.00%	$ 1,320,847
EXCISE	$ 4,535,000	$ 1,250,908	27.58%	$ 4,435,000	$ 1,223,074	27.58%	$ 27,834
PENALTIES & INTEREST	$ 80,000	$ 26,559	33.20%	$ 120,000	$ 10,425	8.69%	$ 16,134
TOTAL TAXES	$ 60,320,348	$ 28,890,273	47.89%	$ 58,788,320	$ 26,766,275	45.53%	$ 2,123,998
LICENSES AND PERMITS							
BUSINESS	$ 240,000	$ 64,938	27.06%	$ 190,000	$ 63,047	33.18%	$ 1,891
NON-BUSINESS	$ 199,100	$ 150,385	75.53%	$ 195,250	$ 99,340	50.88%	$ 51,045
TOTAL LICENSES	$ 439,100	$ 215,323	49.04%	$ 385,250	$ 162,387	42.15%	$ 52,936
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ -	0.00%	$ 400,000	$ -	0.00%	$ -
STATE REVENUE SHARING	$ 5,975,000	$ 1,644,389	27.52%	$ 4,504,100	$ 1,599,744	35.52%	$ 44,645
WELFARE REIMBURSEMENT	$ 125,000	$ 28,509	22.81%	$ 83,912	$ 45,023	53.66%	$ (16,514)
OTHER STATE AID	$ 94,000	$ -	0.00%	$ 32,000	$ -	0.00%	$ -
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 182,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 6,776,000	$ 1,672,898	24.69%	$ 5,202,012	$ 1,644,767	31.62%	$ 28,131
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 355,550	$ 44,507	12.52%	$ 361,400	$ 31,189	8.63%	$ 13,318
PUBLIC SAFETY	$ 26,400	$ 7,180	27.20%	$ 30,800	$ 23,576	76.55%	$ (16,396)
EMS TRANSPORT	$ 1,465,000	$ 362,980	24.78%	$ 1,350,000	$ 346,590	25.67%	$ 16,390
TOTAL CHARGE FOR SERVICES	$ 1,846,950	$ 414,668	22.45%	$ 1,742,200	$ 401,355	23.04%	$ 13,313
FINES							
PARKING TICKETS & MISC FINES	$ 23,000	$ 7,355	31.98%	$ 28,000	$ 6,044	21.59%	$ 1,311
MISCELLANEOUS							
INVESTMENT INCOME	$ 45,000	$ 78,470	174.38%	$ 30,000	$ 3,306	11.02%	$ 75,164
RENTS	$ 75,000	$ 6,474	8.63%	$ 75,000	$ 6,681	8.91%	$ (208)
UNCLASSIFIED	$ 20,000	$ 13,874	69.37%	$ 20,000	$ 38,518	192.59%	$ (24,644)
COMMERCIAL SOLID WASTE FEES	$ -	$ 12,667		$ -	$ 12,881		$ (215)
SALE OF PROPERTY	$ 100,000	$ 130,417	130.42%	$ 100,000	$ 436	0.44%	$ 129,981
MMWAC HOST FEES	$ 240,000	$ 58,028	24.18%	$ 240,000	$ 58,028	24.18%	$ (0)
TRANSFER IN: TIF	$ 1,500,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 362,500	$ -	0.00%	$ 619,000	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - COMMUNITY ENGAGEMENT	$ 40,000	$ -		$ -	$ 38,550		
CDBG	$ 588,154	$ -	0.00%	$ 588,154	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ -	0.00%	$ 20,000	$ 243	1.22%	$ (243)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 1,500,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,490,654	$ 299,929	6.68%	$ 4,332,154	$ 158,643	3.66%	$ 179,836
TOTAL GENERAL FUND REVENUES	**$ 73,896,052**	**$ 31,500,446**	42.63%	**$ 70,477,936**	**$ 29,139,471**	41.35%	**$ 2,399,525**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 36,663,037	$ 2,774,816	7.57%	$ 34,826,024	$ 4,846,112	13.92%	$ (2,071,296)
EDUCATION	$ 611,103	$ 36,276	5.94%	$ 489,465	$ 11,858	2.42%	$ 24,418
SCHOOL FUND BALANCE CONTRIBUTION	$ 2,000,000	$ -	0.00%	$ 1,251,726	$ -	0.00%	$ -
TOTAL SCHOOL	$ 39,274,140	$ 2,811,092	7.16%	$ 36,567,215	$ 4,857,970	13.29%	$ (2,046,878)
GRAND TOTAL REVENUES	**$ 113,170,192**	**$ 34,311,538**	**30.32%**	**$ 107,045,151**	**$ 33,997,441**	**31.76%**	**$ 352,647**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH September 30, 2023 VS September 30, 2022

DEPARTMENT	FY 2024 BUDGET	EXP THRU SEPT 2023	% OF BUDGET	FY 2023 BUDGET	EXP THRU SEPT 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 171,750	$ 46,562	27.11%	$ 170,500	$ 16,338	9.58%	$ 30,224
CITY MANAGER	$ 695,009	$ 120,482	17.34%	$ 510,978	$ 125,114	24.49%	$ (4,632)
COMMUNICATIONS & ENGAGEMENT	$ 356,522	$ 97,258	27.28%	$ 218,746	$ 53,405	24.41%	$ 43,853
CITY CLERK	$ 290,268	$ 63,977	22.04%	$ 257,506	$ 60,053	23.32%	$ 3,924
FINANCE	$ 1,228,112	$ 382,983	31.18%	$ 1,138,802	$ 339,951	29.85%	$ 43,032
HUMAN RESOURCES	$ 246,260	$ 58,425	23.72%	$ 222,099	$ 52,343	23.57%	$ 6,082
INFORMATION TECHNOLOGY	$ 917,487	$ 387,748	42.26%	$ 827,000	$ 333,978	40.38%	$ 53,770
TOTAL ADMINISTRATION	$ 3,905,408	$ 1,157,435	29.64%	$ 3,345,631	$ 981,182	29.33%	$ 176,253
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 682,189	$ 160,741	23.56%	$ 666,629	$ 182,036	27.31%	$ (21,295)
ECONOMIC DEVELOPMENT	$ 123,893	$ 49,032	39.58%	$ 286,598	$ 79,479	27.73%	$ (30,447)
BUSINESS & COMMUNITY DEVELOPMENT	$ 710,692	$ 86,269	12.14%	$ 671,411	$ 79,191	11.79%	$ 7,078
HEALTH & SOCIAL SERVICES	$ 180,825	$ 130,791	72.33%	$ 119,875	$ 15,855	13.23%	$ 114,936
RECREATION & SPORTS TOURISM	$ 722,416	$ 140,999	19.52%	$ 762,440	$ 144,237	18.92%	$ (3,238)
PUBLIC LIBRARY	$ 1,138,659	$ 284,664	25.00%	$ 1,084,437	$ 90,370	8.33%	$ 194,294
TOTAL COMMUNITY SERVICES	$ 3,558,674	$ 852,496	23.96%	$ 3,591,390	$ 591,168	16.46%	$ 261,328
FISCAL SERVICES							
DEBT SERVICE	$ 8,334,544	$ 90,807	1.09%	$ 8,361,254	$ 90,807	1.09%	$ -
CAPITAL INVESTMENT & PURCHASING	$ 783,252	$ 143,771	18.36%	$ 672,473	$ 132,372	19.68%	$ 11,399
WORKERS COMPENSATION	$ 715,400	$ 715,400	100.00%	$ 698,000	$ -	0.00%	$ 715,400
WAGES & BENEFITS	$ 8,257,879	$ 1,743,744	21.12%	$ 7,876,393	$ 1,688,542	21.44%	$ 55,202
EMERGENCY RESERVE (10108062-670000)	$ 550,000	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,641,075	$ 2,693,722	14.45%	$ 18,069,350	$ 1,911,721	10.58%	$ 782,001
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 6,304,713	$ 1,473,615	23.37%	$ 5,693,284	$ 1,307,477	22.97%	$ 166,138
POLICE DEPARTMENT	$ 5,207,160	$ 1,176,526	22.59%	$ 4,945,034	$ 1,052,814	21.29%	$ 123,712
TOTAL PUBLIC SAFETY	$ 11,511,873	$ 2,650,141	23.02%	$ 10,638,318	$ 2,360,291	22.19%	$ 289,850
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 6,108,837	$ 1,487,236	24.35%	$ 5,600,109	$ 1,105,306	19.74%	$ 381,930
SOLID WASTE DISPOSAL*	$ 1,386,000	$ 190,616	13.75%	$ 1,320,000	$ 198,546	15.04%	$ (7,930)
WATER AND SEWER	$ 792,716	$ 195,301	24.64%	$ 792,716	$ 195,301	24.64%	$ -
TOTAL PUBLIC WORKS	$ 8,287,553	$ 1,873,153	22.60%	$ 7,712,825	$ 1,499,153	19.44%	$ 374,000
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 204,555	99.78%	$ 205,000	$ 204,593	99.80%	$ (38)
E911 COMMUNICATION CENTER	$ 1,287,401	$ -	0.00%	$ 1,217,713	$ 336,199	27.61%	$ (336,199)
LATC-PUBLIC TRANSIT	$ 400,079	$ -	0.00%	$ 431,811	$ -	0.00%	$ -
LA ARTS	$ 20,000	$ 12,500		$ 30,000	$ 7,500		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,172,480	$ 217,055	9.99%	$ 2,144,524	$ 548,292	25.57%	$ (331,237)
COUNTY TAX	$ 2,972,037	$ -	0.00%	$ 2,761,220	$ 2,761,220	100.00%	$ (2,761,220)
TIF (10108058-580000)	$ 3,049,803	$ -	0.00%	$ 3,049,803	$ -	0.00%	$ -
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 54,098,903**	**$ 9,444,002**	**17.46%**	**$ 51,313,061**	**$ 10,653,027**	**20.76%**	**$ (1,209,025)**
EDUCATION DEPARTMENT	$ 59,071,289	$ 2,252,827	3.81%	$ 55,732,090	$ 1,953,966	3.51%	$ 298,861
TOTAL GENERAL FUND EXPENDITURES	**$ 113,170,192**	**$ 11,696,829**	**10.34%**	**$ 107,045,151**	**$ 12,606,993**	**11.78%**	**$ (910,164)**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF September 30, 2023

INVESTMENT		FUND	BALANCE September 30, 2023	BALANCE August 31, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 7,625,976.90	$ 3,353,624.99	**2.00%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,054,561.72	$ 1,054,627.51	**2.00%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 15,773,127.67	$ 5,754,460.17	**2.00%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 53,458.87	$ 53,360.12	**2.00%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 345,649.30	$ 345,010.72	**2.00%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 230,791.79	$ 229,925.69	**2.00%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 474,647.30	$ 472,866.14	**2.00%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 248,574.53	$ 4,841,158.34	**2.00%**
NOMURA 2		ELHS Bond Proceeds	$ 18,564,969.00	$ 18,564,969.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**3.95%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.60%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.20%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.35%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
GRAND TOTAL			**$ 50,121,757.08**	**$ 40,420,002.68**	**4.12%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of September 30, 2023

	Beginning Balance 9/1/2023	September 2023					Ending Balance 8/31/2023
		New Charges	Payments	Refunds	Adjustments	Write-Offs	
Bluecross	**$ 29,312.46**	$ 11,900.40	$ (4,077.68)		$ (3,032.91)		**$ 34,102.27**
Intercept	**$ (769.20)**	$ 200.00	$ (200.00)				**$ (769.20)**
Medicare	**$ 265,798.29**	$ 141,352.25	$ (55,588.99)		$ (86,343.16)		**$ 265,218.39**
Medicaid	**$ 21,469.01**	$ 53,226.00	$ (34,113.19)		$ (32,110.73)		**$ 8,471.09**
Other/Commercial	**$ 111,556.71**	$ 14,611.00	$ (22,219.85)		$ (2,958.30)		**$ 100,989.56**
Patient	**$ 90,770.95**	$ 14,580.20	$ (13,756.26)	$ 239.21	$ (2,741.23)	$ 160.69	**$ 89,253.56**
Worker's Comp	**$ (7,271.78)**						**$ (7,271.78)**
TOTAL	**$ 510,866.44**	**$ 235,869.85**	**$ (129,955.97)**	**$ 239.21**	**$ (127,186.33)**	**$ 160.69**	**$ 489,993.89**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2023 - June 30, 2024
Report as of September 30, 2023

	July 2023	August 2023	Sept 2023	Totals	% of Total
Bluecross	$ 12,163.20	$ 17,050.40	$ 11,900.40	$ 41,114.00	5.06%
Intercept	$ -	$ (969.20)	$ 200.00	$ (769.20)	-0.09%
Medicare	$ 144,760.40	$ 176,422.00	$ 141,352.25	$ 462,534.65	56.87%
Medicaid	$ 61,035.00	$ 82,884.40	$ 53,226.00	$ 197,145.40	24.24%
Other/Commercial	$ 17,128.40	$ 36,769.30	$ 14,611.00	$ 68,508.70	8.42%
Patient	$ 13,258.80	$ 16,885.60	$ 14,580.20	$ 44,724.60	5.50%
Worker's Comp				$ -	0.00%
TOTAL	$ 248,345.80	$ 329,042.50	$ 235,869.85	$ 813,258.15	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2023 - June 30, 2024
Report as of September 30, 2023

	July 2023	August 2023	Sept 2023	Totals	% of Total
Bluecross	12	27	12	51	4.93%
Intercept	0	3	2	5	0.48%
Medicare	178	236	172	586	56.62%
Medicaid	72	112	59	243	23.48%
Other/Commercial	17	63	18	98	9.47%
Patient	16	20	16	52	5.02%
Worker's Comp			0	0	0.00%
TOTAL	295	461	279	1035	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of September 30, 2023

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1917 Wellness Grant	1928 Vending	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2014 Speed Grant	2015 AARP Walkability Grant	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training	
Fund Balance 7/1/23	$ 419,018.01	$ 7,337.93	$ 37,205.06	$ 7,041.18	$ -	$ 2,808.57	$ (862,167.55)	$ (101,432.52)	$ 212,779.28	$ 8,224.66	$ 31,585.83	$ 5,736.24	$ -	$ 545.31	$ 212,510.51	$ (8,205.29)	$ (27,012.78)
Revenues FY24	$ 23,070.70	$ 63.00	$ 502.46				$ -		$ 2,301.00			$ 721.36			$ 41,251.49		$ 67,910.01
Expenditures FY24				$ (1,217.78)	$ 95.92	$ 6,457.99	$ 887,269.15		$ (2,250.00)	$ 6,232.57		$ 8,638.77					$ 905,226.62
Fund Balance 9/30/2023	**$ 442,088.71**	**$ 7,400.93**	**$ 37,707.52**	**$ 8,258.96**	**$ (95.92)**	**$ (3,649.42)**	**$ (1,749,436.70)**	**$ (101,432.52)**	**$ 217,330.28**	**$ 1,992.09**	**$ 31,585.83**	**$ (2,181.17)**	**$ -**	**$ 545.31**	**$ 253,762.00**	**$ (8,205.29)**	$ (864,329.39)

	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2051 Project Canopy	2054 EMS Transport Capital Reserve	2059 Distracted Driving	2068 Northern Borders Grant	
Fund Balance 7/1/23	$ 1,207,031.43	$ 30,379.80	$ 25,064.37	$ 40,215.76	$ 3,374.73	$ 20,536.23	$ 21,618.18	$ -	$ 110,525.79	$ (1,695.00)	$ 2,213.05	$ (1,522.60)	$ 288,581.46	$ 802.57	$ 178,046.71	$ 1,925,172.48
Revenues FY24	$ 269,900.50			$ 47,203.50					$ 17,121.34				$ 657.34			$ 334,882.68
Expenditures FY24	$ 240,977.69		$ 7,304.87	$ 1,247.37	$ 1,291.00		$ 100.00		$ 14,228.56							$ 265,149.49
Fund Balance 9/30/2023	**$ 1,235,954.24**	**$ 30,379.80**	**$ 17,759.50**	**$ 86,171.89**	**$ 2,083.73**	**$ 20,536.23**	**$ 21,518.18**	**$ -**	**$ 113,418.57**	**$ (1,695.00)**	**$ 2,213.05**	**$ (1,522.60)**	**$ 289,238.80**	**$ 802.57**	**$ 178,046.71**	$ 1,994,905.67

	2071 Com Engage Spec Events	2080 Futsol Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	
Fund Balance 7/1/23	$ 48,854.00	$ 25,353.61	$ 6,053.02	$ 11,279,077.49	$ 482.09	$ 82,000.00	$ 228,248.69	$ 11,670,068.90
Revenues FY24				$ 31,762.32	$ 9,285.89		$ 96,915.03	$ 137,963.24
Expenditures FY24				$ 588,932.80	$ 3,917.51		$ 203,220.78	$ 796,071.09
Fund Balance 9/30/2023	**$ 48,854.00**	**$ 25,353.61**	**$ 6,053.02**	**$ 10,721,907.01**	**$ 5,850.47**	**$ 82,000.00**	**$ 121,942.94**	$ 11,011,961.05

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues	TIF Totals
Fund Balance 7/1/23	$ 126,694.39	$ 806,274.01	$ 786,690.71	$ (627,211.49)	$ 623,092.36	$ (662,615.38)	$ 19,435.74	$ 27,952.81	$ 1,120.91	$ 74,350.62	$ 132,062.18	$ (28,481.47)	$ 13,914.35	$ (76,544.08)	$ 59,527.65	$ 14,844,491.91	$ 1,276,263.31
Revenues FY24																$ 875,638.61	$ -
Expenditures FY24		$ -	$ 3,192.50											$ 37.50	$ -	$ 1,969,677.20	$ 3,230.00
Fund Balance 9/30/2023	**$ 126,694.39**	**$ 806,274.01**	**$ 783,498.21**	**$ (627,211.49)**	**$ 623,092.36**	**$ (662,615.38)**	**$ 19,435.74**	**$ 27,952.81**	**$ 1,120.91**	**$ 74,350.62**	**$ 132,062.18**	**$ (28,481.47)**	**$ 13,914.35**	**$ (76,581.58)**	**$ 59,527.65**	$ 13,415,570.64	$ 1,273,033.31

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for September 30, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of September 30, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of September 30, 2023.

Current Assets:
As of the end of September 2023 the total current assets of Ingersoll Turf Facility were $365,731. This consisted of cash and cash equivalents of $230,364 and interfund receivables of $134,731.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of September 30, 2023, were $34,044.

Liabilities:
Ingersoll had no accounts payable and no interfund payables as of September 30, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through September 2023 are $24,921. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through September 2023 were $8,191. These expenses include supplies, utilities, capital purchases and maintenance.

As of September 30, 2023, Ingersoll has an operating gain of $16,730.

As of September 30, 2023, Ingersoll has an increase in net assets of $17.169

The budget to actual reports for revenue and expenditures, show the revenue and expenditures for FY23 compared to the same period in FY22.

Statement of Net Assets
Ingersoll Turf Facility
September 30, 2023
Business-type Activities - Enterprise Fund

		September 30 2023	August 31 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 230,364	$ 229,926	$ 438
Interfund receivables/payables		$ 134,731	$ 129,265	5,466
Accounts receivable		-	-	-
	Total current assets	365,095	359,191	5,904
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(776,492)	(776,492)	-
	Total noncurrent assets	34,044	34,044	-
	Total assets	399,139	393,235	5,904
LIABILITIES				
Accounts payable		$ -	$ 160	(160)
Interfund payable		$ -	$ -	-
Total liabilities		-	160	(160)
NET ASSETS				
Invested in capital assets		$ 34,044	$ 34,044	$ -
Unrestricted		$ 365,095	$ 359,031	$ 6,064
Total net assets		**$ 399,139**	**$ 393,075**	**$ 6,064**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
September 30, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 24,921
Operating expenses:	
Personnel	-
Supplies	-
Utilities	176
Repairs and maintenance	
Rent	-
Depreciation	-
Capital expenses	7,455
Other expenses	560
Total operating expenses	8,191
Operating gain (loss)	16,730
Nonoperating revenue (expense):	
Interest income	439
Interest expense (debt service)	-
Total nonoperating expense	439
Gain (Loss) before transfer	17,169
Transfers out	-
Change in net assets	17,169
Total net assets, July 1	381,970
Total net assets, September 30, 2023	**$ 399,139**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through September 30, 2023 compared to September 30, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU SEPT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU SEPT 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 5,525			$ 1,000	
Batting Cages		$ 2,752			$ 750	
Programs		$ 3,468			$ 1,210	
Rental Income		$ 12,737			$ 8,965	
TOTAL CHARGE FOR SERVICES	$ -	$ 24,482		$ -	$ 11,925	
INTEREST ON INVESTMENTS	$ -	$ 439		$ -	$ 87	
GRAND TOTAL REVENUES	**$ -**	**$ 24,921**		**$ -**	**$ 12,012**	

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for September 30, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of September 30, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, August 31, 2023.

Current Assets:
As of the end of September 2023 the total current assets of Norway Savings Bank Arena were ($1,390,843). These consisted of cash and cash equivalents of $280,968, accounts receivable of $138,181, and an interfund payable of $1,809,992.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of September 30, 2023 was $102,173.

Liabilities:
Norway Arena had accounts payable $998 as of September 30, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through September 2023 are $260,225. This revenue comes from sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through September 2023 were $239,858. These expenses include personnel costs, supplies, utilities, repairs, rent, capital purchases and maintenance.

As of September 2023, Norway Arena has an operating gain of $20.367.
20,367.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $101,471 more than in FY22 and expenditures in FY23 are $75,577 more than last year in September.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
September 30, 2023
Business-type Activities - Enterprise Fund

		September 30 2023	August 31 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 280,968	$ 281,103	$ (135)
Interfund receivables		$ (1,809,992)	$ (1,309,283)	$ (500,709)
Prepaid Rent				$ -
Accounts receivable		138,181	68,725	$ 69,456
	Total current assets	(1,390,843)	(959,455)	(431,388)
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		517,049	517,049	-
Land improvements		-	-	-
Less accumulated depreciation		(473,099)	(473,099)	-
	Total noncurrent assets	102,173	102,173	-
	Total assets	(1,288,670)	(857,282)	(431,388)
LIABILITIES				
Accounts payable		$ 998	$ 2,345	$ (1,347)
Net OPEB liability		$ 64,614	$ 64,614	$ -
Net pension liability		(52,355)	(52,355)	-
Total liabilities		13,257	14,604	(1,347)
NET ASSETS				
Invested in capital assets		$ 102,173	$ 102,173	$ -
Unrestricted		$ (1,404,100)	$ (974,059)	$ (430,041)
Total net assets		**$ (1,301,927)**	**$ (871,886)**	**$ (430,041)**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
September 30, 2022

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 260,225
Operating expenses:	
Personnel	91,863
Supplies	16,857
Utilities	13,723
Repairs and maintenance	10,367
Insurance Premium	-
Depreciation	
Capital expenses	99,185
Other expenses	7,863
Total operating expenses	239,858
Operating gain (loss)	20,367
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	20,367
Transfers out	-
Change in net assets	20,367
Total net assets, July 1	(1,322,294)
Total net assets, September 30, 2022	**$ (1,301,927)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through Se[tember 30, 2023 compared to September 30, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU SEPT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU SEPT 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500		0.00%	$ -
Skate Rentals	$ 6,000	$ 400	6.67%	$ 6,000		0.00%	$ 400
Pepsi Vending Machines	$ 2,000	$ 125	6.25%	$ 2,000	$ 265	13.25%	$ (140)
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ -	0.00%	$ -
Vending Food	$ 2,000	$ 87	4.35%	$ 2,000	$ 54	2.70%	$ 33
Sponsorships	$ 230,000	$ 91,148	39.63%	$ 230,000	$ 59,865	26.03%	$ 31,283
Pro Shop	$ 7,000	$ 507	7.24%	$ 7,000		0.00%	$ 507
Programs	$ 20,000		0.00%	$ 20,000		0.00%	$ -
Rental Income	$ 702,000	$ 156,398	22.28%	$ 702,000	$ 70,770	10.08%	$ 85,628
Camps/Clinics	$ 50,000	$ 11,560	23.12%	$ 50,000	$ 16,850	33.70%	$ (5,290)
Tournaments	$ 50,000	$ -	0.00%	$ 50,000	$ 10,950	21.90%	$ (10,950)
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 260,225	23.91%	$ 1,088,500	$ 158,754	14.58%	$ 101,471

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through September 30, 2022 compared to September 30, 2021

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU SEPT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU SEPT 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 91,863	31.56%	$ 291,095	$ 81,989	28.17%	$ 9,874
Purchased Services	$ 136,900	$ 18,230	13.32%	$ 136,900	$ 39,956	29.19%	$ (21,726)
Supplies	$ 76,562	$ 16,857	22.02%	$ 76,562	$ 9,590	12.53%	$ 7,267
Utilities	$ 267,000	$ 13,723	5.14%	$ 267,000	$ 14,160	5.30%	$ (437)
Capital Outlay	$ 50,000	$ 99,185	198.37%	$ 50,000	$ 18,586	37.17%	$ 80,599
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 239,858	29.20%	$ 821,557	$ 164,281	20.00%	$ 75,577
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 239,858**	**29.20%**	**$ 821,557**	**$ 164,281**	**20.00%**	**$ 75,577**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 23, 2023 **Order:** 131-10162023

Author: Jill M. Eastman, Finance Director

Subject: Authorizing Issuance of General Obligation Bonds and A Tax Levy Therefor

---

Information: This is the Public Safety Building Project for FY 23-24 that we are recommending for bonding. Please see attached sheet that describes the project being funded. This Bond Issue will be on the November 2023 ballot to be approved by the citizens of Auburn due to the charter. This Bond issue needs to be approved by Council before the voting takes place.

City Budgetary Impacts: This is a 20-year bond, interest only for FY 25 and principal and interest payments for 20 years.

Staff Recommended Action: Recommend passage of the second and final reading. Passage requires an affirmative vote of 5.

Previous Meetings and History: Public hearing and passage of first reading on 10/16/2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
Copy of the Order.

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing and first reading on Monday, October 16, 2023, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing the City's general obligation bonds in the principal amount not to exceed $45,000,000 to finance a new public safety facility to house the headquarters of the City's Police Department and Fire Department. The order is available for inspection on the City's website: www.auburnmaine.gov/pages/government/budget-fy24**.**

Following the public hearing and first reading, the City Council expects to conduct a second reading and take final action on the order at its October 23, 2023 meeting.

Members of the public that attend and would like to offer public comment during the meeting, you may do so by speaking at the podium located in Council Chambers.

Written comments may be sent via email to: **comments@auburnmaine.gov**. Your comments will be included in the meeting minutes.

The City Council meeting will also be broadcast on Great Falls TV (cable channel 11) and on the City of Auburn YouTube channel.

ORDER 131-10162023

City Council Order

IN CITY COUNCIL

TITLE: ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

WHEREAS, pursuant to Order 119-09052023 (the "Bond Referendum Order"), the City Council submitted a referendum question to the voters of the City of Auburn to see if they would authorize the issuance of the City's general obligation bonds (and notes in anticipation thereof) in the principal amount not to exceed $45,000,000 to finance a new public safety facility to house the headquarters of the City's Police Department and Fire Department (referred to as the "Public Safety Building Project"); and

WHEREAS, the City Council now desires to supplement the Bond Referendum Order to hold a public hearing with respect to the Public Safety Building Project and the bonds prior to the referendum vote and to establish certain details of the bonds, if approved by the voters;

NOW, THEREFORE, be it hereby ORDERED by the Auburn City Council, following a public hearing duly called and held as required by Section 8.13 of the Auburn City Charter:

THAT subject to and conditioned on an approving vote of the voters of the City pursuant to the Referendum Order and Section 8.13(C)(2) of the City Charter, there is hereby authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof in the principal amount not to exceed $45,000,000, the proceeds of which, including original issue premium and investment earnings thereon, if any, are hereby appropriated to finance the Public Safety Building Project.

Be It Further Ordered by the Auburn City Council:

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to prepare, issue, and sell the City's bonds and notes in the aggregate amount of $45,000,000, which issuance and sale may be at one time or from time to time as one or more separate bond issues, or consolidated with any other issue of bonds and notes authorized to be issued by the City Council, as term bonds or serial bonds, through a public offering or a private placement, on a competitive or negotiated basis, or some combination of any of the foregoing, all as the Finance Director shall determine to be appropriate in her sole discretion.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the form, dates, maturities (not to exceed the maximum term permitted by law), denominations, interest rates, place of payment, provisions for redemption prior to the stated maturity date(s), with or without a premium, as provided in Title 30-A, §5772(6) of the Maine Revised Statutes, as amended, and all other details of the bonds and notes.

THAT the bonds and notes shall be executed in the name of and on behalf of the City by the City's Finance Director and its Treasurer, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the City seal thereon, attested by its Clerk.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

THAT in each year the bonds remain outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the principal and interest then coming due on the bonds.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve, execute and deliver such contracts, agreements, loan agreements (including but not limited to one or more loan agreements with the Maine Municipal Bond Bank), investment agreements, bond purchase agreements, continuing disclosure agreements, official statements, certificates, tax certificates, instruments, a Letter of Representation or other agreement required to allow the bonds or notes to be issued through the Depository Trust Company Book-Entry Only System, and such other documents (all collectively, the "Bond Documents"), as may be necessary or advisable in order to accomplish the issuance of the bonds and notes and the investment of the proceeds thereof, to maintain the tax-exempt status of such bonds and notes, and, to the extent available under the Internal Revenue Code of 1986, as amended (the "Code"), to designate the bonds and notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, which Bond Documents may be in such form and contain such terms and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, and such other details as she shall approve, such approval to be conclusively evidenced by the execution thereof.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds, notes or any Bond Document, the person or persons then acting in any such capacity, whether on an interim or acting or temporary basis, as an assistant, a deputy, or otherwise, is authorized to act for such official, in the name of and on behalf of the City, with the same force and effect as if such official had himself or herself performed such act

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT the City may pay certain costs of the projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.

THAT during the term any of the bonds are outstanding, the Finance Director and Treasurer of the City are hereby authorized, in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to

City Council Order

determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, which may be made callable, with or without premium, prior to their stated date(s) of maturity, and to determine the form and manner of their sale and award, which refunding bonds shall be signed in like manner as the bonds.

THAT during the term any of the bonds are outstanding, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

THAT the referendum question submitted to the voters pursuant to the Referendum Order shall be substantially as set forth therein but, shall be accompanied by the financial statement required pursuant to Title 30-A, §5772(2-A) of the Maine Revised Statutes.

A public notice describing the general purpose of the borrowing and the terms thereof and the times and places where copies of the bond proposal were available for inspection by the public was published on or before September 28, 2023, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on October 16, 2023.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: October 23, 2023 **Order:** 141-10232023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Winter Oaks Concept Plan and PRO Housing Grant Application

---

Information:
The City of Auburn is collaborating with key partners, including Homes For All, LLC, Androscoggin Land Trust, Androscoggin Savings Bank, Androscoggin County Emergency Management Agency, and the Auburn-Lewiston YMCA, to transform a 62-acre city-owned parcel into a mixed-use, mixed-income community. This initiative combines environmental conservation, outdoor education, affordable housing, childcare, and community enrichment programs.

The project involves creating 100 new residential units, comprised of 48 single-family homes, 8 owner-occupied duplexes, and three 12-unit apartment buildings on city owned property. This project will seamlessly connect with existing city sidewalks and bike lanes, extending to 25 acres of conserved natural land and hiking trails. Additionally, the development will provide infrastructure for an outdoor environmental education center, on-site childcare, and a multi-use community space which will double as an emergency shelter facility for regional residents.

The City of Auburn's Business & Community Development department seeks Council support to secure a $9.5 million grant from the Pathways to Removing Obstacles to Housing (PRO Housing) program. These funds will cover construction costs for new public roads and utilities, including sidewalks, sewer, and water services within the development.

City Budgetary Impacts:
The $4 million in applicant matching funds will be primarily covered by staff time of key city employees over a 5-year development plan, a significant portion of which is already funded by existing entitlement funds from the U.S. Department of Housing & Urban Development. Furthermore, additional funds from a forthcoming affordable housing Tax Increment Finance district will offer additional development incentives and support operational costs for on-site childcare and the Androscoggin Land Trust.

Staff Recommended Action:
Hold a public hearing and recommend passage of order as presented

---

Previous Meetings and History:
October 16, 2023 Council Workshop

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: DRAFT PRO Housing Application

US Department of Housing
& Urban Development

Pathways to Removing Obstacles to Housing [PRO Housing]

OPPORTUNITY NUMBER: FR-6700-N-98
LISTING NUMBER: 14.023

City of Auburn, Maine
Business & Community Development Department
Glen E. Holmes, Director
207.333.6601 X1159
60 Court Street | Auburn, ME 04210
GHolmes@auburnmaine.gov

auburnmaine.gov

City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

APPLICATION EXHIBITS

A. EXECUTIVE SUMMARY EXHIBIT ____ *2*
i. Project Description ____ 3
ii. National Objective ____ 6
iii. Advancing Racial Equity ____ 7
iv. Affirmative Marketing ____ 13
B. THRESHOLD AND OTHER SUBMISSION REQUIREMENTS EXHIBIT ____ *15*
i. Eligibility of Applicant ____ 16
ii. Eligible Activities funded with grant funds ____ 16
C. DEMONSTRATION OF NEED EXHIBIT ____ *18*
i. Efforts to identify, address, mitigate, or remove barriers to affordable housing production 22
ii. Demand for affordable housing ____ 24
iii. Key barriers to producing affordable, accessible housing ____ 27
D. SOUNDNESS OF APPROACH EXHIBIT ____ *28*
i. Project Vision ____ 29
ii. Geographic scope ____ 30
iii. Key Stakeholders and Engagement ____ 30
iv. Affirmatively furthering fair housing ____ 31
v. Budget and Timeline ____ 32
E. CAPACITY EXHIBIT ____ *35*
i. City and Partner Capacity & Staffing Plan ____ 36
F. LEVERAGE EXHIBIT ____ *38*
i. Leveraged funding & Non-Financial Contributions ____ 39
G. LONG-TERM EFFECT EXHIBIT ____ *40*
i. Permanent, Long-Term & Outcomes ____ 41

DRAFT

A. EXECUTIVE SUMMARY EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit A: Executive Summary

The city of Auburn is partnering with Homes For All, LLC., The Androscoggin Land Trust, Androscoggin Savings Bank, Androscoggin County Emergency Management Agency, and the Auburn-Lewiston YMCA to develop a 62-acre city-owned parcel into a mixed-use, mixed-income neighborhood which incorporates environmental conservation, outdoor education, affordable housing, child-care, and community enrichment programs.

i. Project Description

The proposed project entails the development of 100 new residential units, consisting of 48 single-family residences, 8 owner-occupied duplexes, and three 12-unit apartment buildings, situated on a 37-acre parcel within a forthcoming city-planned residential community. This development project will seamlessly integrate existing city sidewalks and bike lanes through the proposed development to an additional 25 acres of conserved natural land and hiking trails. Furthermore, the development will provide essential infrastructure to support an outdoor environmental education center, on-site childcare facilities, and an indoor community space designed to function as an emergency warming and cooling center for regional residents.

Funding provided by the PRO Housing grant program will be utilized to install necessary public roads, utilities, and pedestrian infrastructure. Current market-driven construction costs and developer capacity have made developing this existing city-owned property challenging, with multiple attempts stalling due to a lack of available funds.

Developer Background: Homes For All, LLC is a woman and minority-owned business founded by Fatuma Hussein, an Auburn resident with a strong background in addressing housing disparities. Ms. Hussein has a history of providing translation and social services and has played a pivotal role at the Immigrant Resource Center of Maine, offering culturally and linguistically sensitive support to refugee and immigrant communities. She has also founded Homes For All, LLC and employs an advisory council of experienced housing developers from nonprofit and for-profit backgrounds.

Fatuma Hussein is a model for future generations of developers in Maine. Homes For All aims to address housing policies and practices that historically disproportionately affected communities of color. It holistically employs an advisory council of experienced housing developers with various backgrounds.

As a long-term Auburn resident, Ms. Hussein has decades of experience in servicing disenfranchised communities. She has set a foundation in Lewiston and Auburn for culturally specific system advocacy, training, and targeted education. In 2016, she founded and is the CEO of the Immigrant Resource Center of Maine, a leading regional provider for underrepresented communities. In 2022, she became the first woman of color to administer Emergency Rental Assistance funds in the state. Leading through Homes for All ensures equitable housing structures and contributes to providing economic opportunities to improve the lives of Auburn residents.

Home Ownership: Seventy percent of the newly constructed single-family residences and duplexes will be allocated to households that meet income qualification criteria established within the PRO Housing Program. These homes will include deed restrictions ensuring a 20-year, HUD-approved resale and recapture provision to maintain the program's long-term objectives. Additionally, we have established a strategic partnership with a financial institution specializing in Sharia-compliant and culturally sensitive home loans to help us advance our goals of promoting racial equity. The City of Auburn services a variety of religions, however, we are aware of the large populations of Muslim faith brought about by the migration of 2001. The traditional banking system has adversely impacted the economic growth of these populations.

Affordable Housing: Seventy percent of the apartments within this development will be made available for rent to applicants who meet income qualification criteria, with a 20-year commitment to maintaining affordability. These rental units will be subject to oversight by the City of Auburn in strict compliance with the established monitoring protocols and guidelines governing HOME program units.

Childcare Services: Childcare services will be conveniently offered by the Auburn-Lewiston YMCA, located within one of the mixed-use, multi-unit buildings. Operational expenses for childcare subsidies will be extended to residents of the project who meet income qualification criteria and will be funded as part of a Tax Increment Financing (TIF) district-authorized project cost, in accordance with Maine state statute Title 30-A, Section 5225 (1)(C)(5).

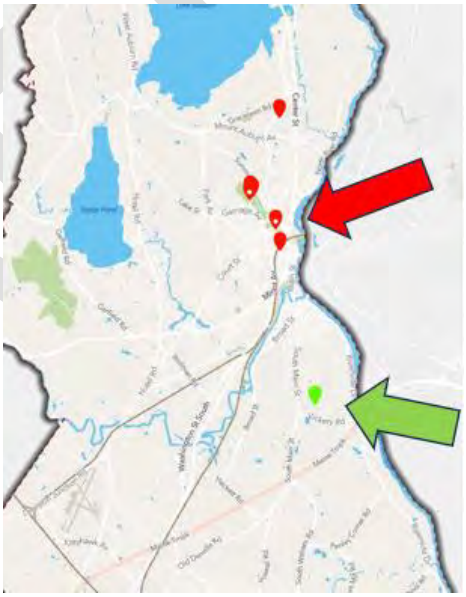
DRAFT

Public Green Spaces and Conservation: A substantial portion of this development will be dedicated to publicly accessible conservation land and green spaces. Already, 25 acres have been transferred to the Androscoggin Land Trust. In addition, space within the development will be set aside for the inclusion of public parks that will showcase art installations and provide bicycle lanes, walking trails, public parking, and facilities for an outdoor educational center and trailhead. These amenities are designed to promote broader community engagement and use.

With race and ethnic equity at the forefront, acknowledging the inclusion of green space access is vital for disenfranchised communities. These amenities aid in narrowing the health inequalities between high and low-income groups as well as among racial groups. Procedures of racial residential segregation have operated through explicit codification in zoning laws to allow hazardous conditions for underserved populations. This serves as an intentional opportunity to change historic redlining practices.

Emergency Preparedness and Resiliency Planning:

Earlier this year, the City of Auburn hosted the Androscoggin County Natural Hazard Mitigation project planning workshop in collaboration with the Androscoggin Emergency Management Agency. This meeting emphasized the growing need to expand emergency shelter facilities across the city. Currently, three of the five existing facilities managed by the city for emergency shelters are situated on the same property, and an additional one has yet to be constructed. However, all the existing and proposed shelter facilities are located within a 2-mile radius of each other, making them centrally consolidated in a city that stretches over 15 miles from North to South.

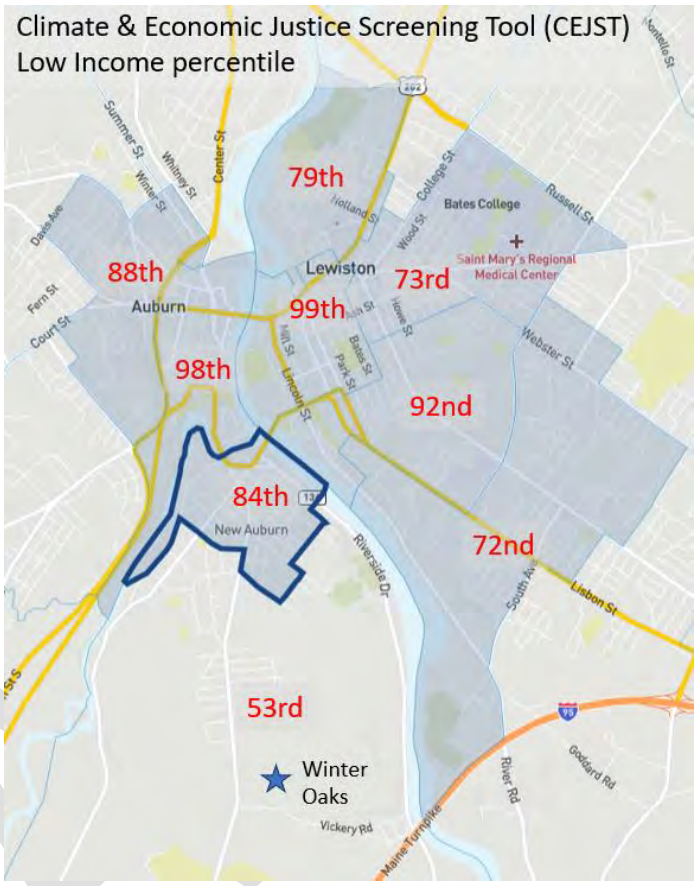


The proposed emergency shelter to be integrated into the Winter Oaks development will be the sole municipal facility positioned south of the Little Androscoggin River, a winding marshy waterway that bisects the entire city. A key partner in this project, which prioritizes sustainable community development in the context of natural hazard mitigation planning, is the Androscoggin County Emergency Management Agency. Together, we are submitting additional applications for state Building Resilient Infrastructure and Communities (BRICS) grants to secure the necessary resources for building and supporting the establishment of a new emergency shelter to serve the broader South Auburn community.

DRAFT

ii. National Objective

The national objectives met within this project pursuant to section 101(c) of the Housing and Community Development Act of 1974 include, but are not limited to, the following:



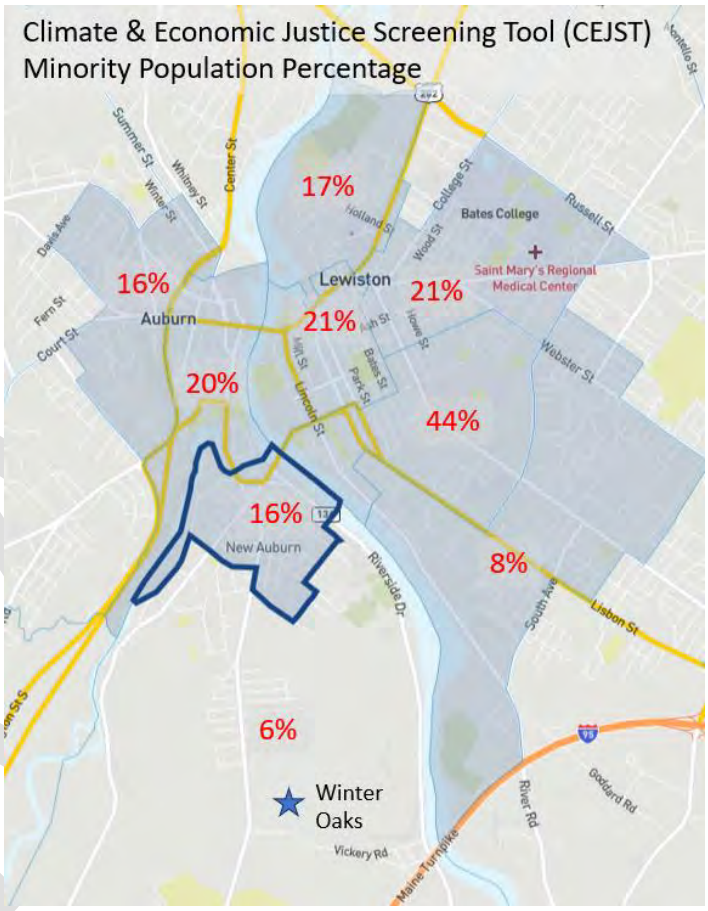
Benefitting low- and moderate-persons. The Climate and Economic Justice Screening Tool (CEJST) has identified three downtown census tracts in Auburn and five downtown census tracts in Lewiston as disadvantaged. The image to the right visually illustrates the concentration of low-income residents within these two urban cores. The average of the eight separate census tracts ranks at the 85th percentile when compared to the established threshold of concern, which is set at 65.

This project aims to establish 100 new residential units outside the urban cores, where affordable housing has historically and unfairly been concentrated. By dedicating 70 percent of these newly created homes and apartments to households qualifying at or below 100% of the Area Median Income (AMI) for a minimum of 20 years, with a particular focus on underserved communities, we seek to address equity issues and promote economic justice.

Preventing or eliminating slums or blight by de-centralizing the development of affordable housing. The proposed location does not currently fall within a low- to moderate-income qualified census block. It will feature planned green spaces with public art installations. This site, situated in a semi-rural environment and adjacent to 25 acres of conservation land, aligns with the city's commitment to deconcentrating affordable housing while improving access to outdoor spaces for affordable housing residents.

Meet other urgent community needs because of immediate threats to the health or welfare of the community.

Racial discrimination, poverty, and the exclusionary zoning laws all undermine the housing market power residents and communities need to receive quality services from government and the private sector. This has impacted the upward economic mobility, educational opportunities, and wealth building necessary for communities to thrive. Byproducts of these laws have impacted the overall health, crime rates, lead exposure and other environmental toxins, lack of green space, involvement with the justice system, and overall standard living. The critical role of place in shaping children's economic trajectories is an immediate and long-term threat. Better-resourced diverse neighborhoods improve economic outcomes, especially for children who are removed from disinvested communities at a young age resulting in positive impacts for generations to come.



This project addresses a pressing need by establishing an emergency shelter in a neighborhood where such a resource is currently unavailable. The rising frequency of natural hazard events necessitating backup power or the activation of warming/cooling centers for Auburn residents has strained existing response systems. The inclusion of a new community space that can also serve as an emergency center enhances neighborhood resilience and promotes equitable allocation of these critical resources.

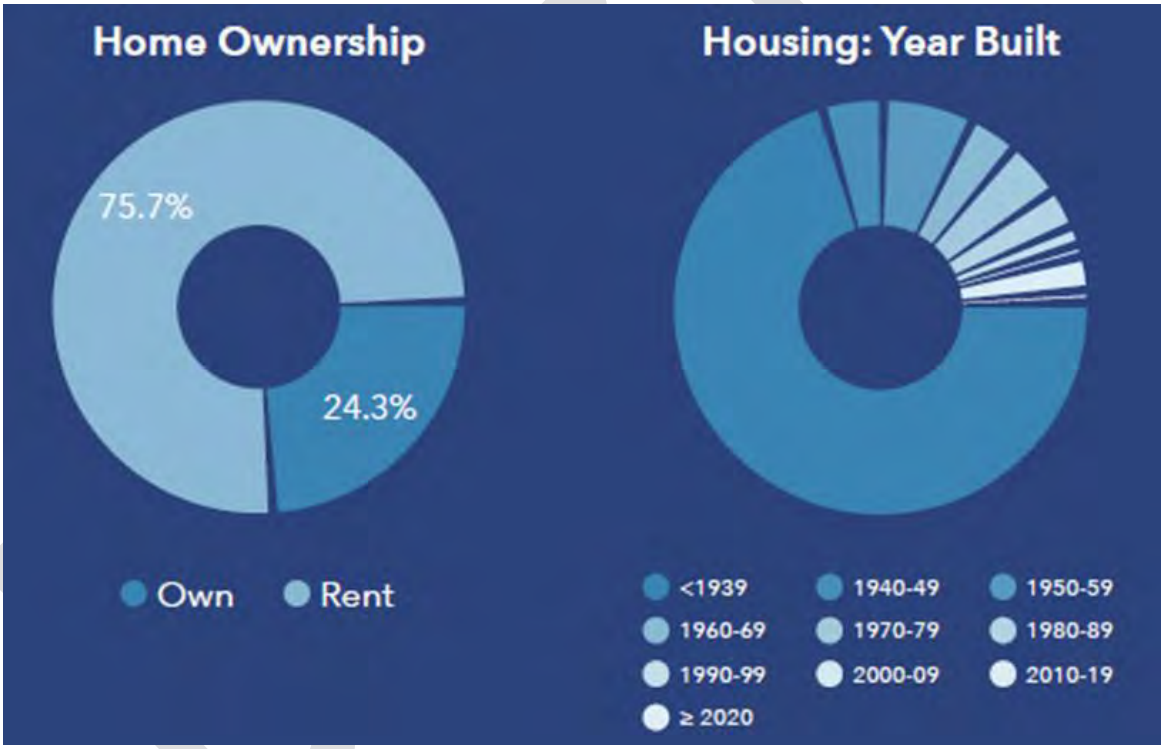
iii. Advancing Racial Equity

In accordance with Executive Order 13985, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, this project will utilize the below assessment and planning and monitoring process consistent with federal nondiscrimination requirements.

Racial composition of households who are expected to benefit from this project:

The Climate and Economic Justice Screening Tool (CEJST) has identified four downtown census tracts (one in Auburn and three in Lewiston) with a minority population comprising at least 20%. The graphic above visually illustrates the concentration of the census tracts with the highest minority populations. When compared to the map of low-income populations, a clear and significant correlation emerges, indicating a high presence of low-income residents alongside above-average minority populations within the urban cores of these two cities.

Additionally, the three CDBG qualified census tracts in Auburn are comprised of a housing stock of 75% renters occupying units in which over 75% were constructed before 1968, increasing the prevalence of low to moderate-income, minority residents occupying inefficient, lead-contaminated properties.



Identified potential barriers to persons or communities of color equitably benefitting from this project:

One of the most significant challenges facing individuals and communities of color when it comes to benefiting from new affordable housing developments, such as the proposed project, is the resistance within local communities to placing these projects outside of the established urban core. The strategic placement of these homes serves to decentralize poverty while establishing a direct connection to crucial resources to further support marginalized communities. While expanding affordable housing options to suburban or less densely populated areas is crucial for fostering inclusive community development, it

often encounters opposition from local stakeholders. This resistance may arise from concerns related to property values, neighborhood character, or misconceptions about the impact of affordable housing.

The existence of 'Not In My Backyard' (NIMBYism) attitudes and discrimination by communities and neighbors, as highlighted in the Maine State Housing Authority's Analysis of Impediments to Fair Housing Choice published in 2019, is not a new phenomenon. However, the Auburn administration and City Council have consistently demonstrated their unwavering support for the development of new housing units within the city. This methodology lends itself to historic exclusionary zoning, segregation, and urban renewal exclusion.

Some of these pioneering approaches have gained national recognition, as exemplified in an article titled "The YIMBYest City in America," where Auburn's Mayor actively confronts the 'Not-In-My-Backyard' (NIMBY) exclusionism the city has encountered. The analysis published by Maine State Housing acknowledges similar barriers at the state level as those observed locally, including the lack of affordable housing unit development, racial and ethnic disparities, and zoning challenges stemming from NIMBYism efforts (discrimination by communities and neighbors).

To address this barrier, our project takes a multifaceted approach:

1. Community Engagement and Education: We prioritize community engagement and public education efforts to dispel misconceptions and raise awareness about the positive impacts of affordable housing. Meaningful public engagement with specific attention to the communities identified who will be most impacted by reforms relating to affordable housing access or environmental justice will be key. By engaging in open and constructive dialogues with residents, we aim to build support for the project within the local community.

2. Collaboration with Local Leaders: We work closely with local leaders, including city and state officials, neighborhood associations, and influential community members, to gain their support for the project. Their endorsement can help alleviate opposition and foster a sense of shared responsibility for addressing the affordable housing crisis.

3. Inclusivity in Design: Our project incorporates inclusive design principles that ensure the development integrates seamlessly into the existing community. This includes architectural design that complements the surrounding neighborhood, green spaces, amenities that benefit all residents, and traffic management solutions to address concerns about congestion.

4. Affordable Housing Initiatives: We partner with local organizations and housing agencies to provide incentives for affordable housing, such as rent subsidies or homeowner assistance programs. We will identify local organizations with extensive background in working with disenfranchised populations to ensure a diverse group of informed leaders

are guiding the process. This demonstrates our commitment to addressing the housing needs of marginalized communities.

5. Data-Driven Decision-Making: We rely on comprehensive data analysis to support the project's location selection. This data includes an assessment of demographics, transit accessibility, water and sewer utility capacity, and socioeconomic factors to ensure that the project is strategically placed to benefit those in need. Utilizing a racial equity impact assessment tool also helps build an inclusive community. An assessment will provide additional information to support our fair housing goals.

By implementing these strategies, we aim to mitigate local opposition and ensure that persons and communities of color have equitable access to the benefits of this proposed affordable housing project, thereby fostering an inclusive and diverse community that reflects our commitment to social equity and housing justice.

Detailed steps to prevent, reduce or eliminate barriers:

To address these barriers, the City of Auburn and the project developer have meticulously designed a comprehensive and thoughtful strategy to prevent, reduce, or eliminate obstacles to affordable housing access. This strategy includes allocating budgets for security deposits and down-payment assistance to qualified applicants based on their income. Our unwavering commitment to addressing financial barriers is poised to significantly enhance the effectiveness of our programs.

City administration and elected leaders have departed from conventional governmental approaches to problem-solving. Instead of pursuing large-scale, multi-unit construction projects subsidized by multiple layers of tax incentives and state and federal funds, they have championed more equitable and innovative small-scale methods. One prominent approach is the emphasis on creating new homeowners and multiple owner-occupied duplexes. This not only encourages community engagement by fostering homeowners with a vested interest in their community but also provides sustainable rental income opportunities for many middle- and low-income individuals and families.

Both homeownership and owner-occupied rentals play a pivotal role in enabling families to start building generational wealth, making them essential components of our strategy.

Step 1: Establish Assistance Funding

The City of Auburn, in collaboration with the Auburn Housing Authority and the Maine State Housing Authority, will work closely to create a dedicated fund to ensure that allocated resources are exclusively used for security deposit and down-payment assistance for eligible residents.

Step 2: Define Eligibility Criteria

The developer and the city will collaborate to assess the income qualifications of prospective tenants, ensuring that at least 70% of the units remain affordable. This

DRAFT

commitment will be upheld through deeded covenants and regular monitoring conducted by the City's Community Development Office.

Step 3: Outreach and Promotion

Leveraging the developer's extensive history as a housing resource and case management provider, focusing on serving low to moderate-income and diverse communities, we will conduct outreach to establish this project as a representative and inclusive community.

Step 4: Application Process

The city will streamline the application process by aligning it with HUD-approved procedures for income qualifications. This user-friendly, multi-lingual application process removes barriers for eligible applicants seeking security deposit and down-payment assistance.

Step 5: Review and Approval

City approval processes for HUD programs will be enhanced through consultation and procedural refinement, guided by the City's Diversity, Equity, & Inclusion Analyst and the developer's racial equity advisory team.

Step 6: Monitoring and Reporting

Utilizing the city's existing HOME monitoring and reporting system, we will track the impact of the security deposit and down-payment assistance program. This includes regular evaluations of the number of applicants served, the demographics of recipients, and the success rate in securing and maintaining housing.

Step 7: Public Accountability

To promote transparency and garner support, the city will include the results of project monitoring annually in its Consolidated Annual Performance and Evaluation Report (CAPER). This ensures that updates and progress reports on the project's use and assistance provided are regularly shared with the public and relevant stakeholders, building trust and support for the initiative.

Step 8: Sustainability Planning

The success of this project relies on the city's entitlement funds to maintain long-term reporting and accountability beyond the initial three years, ensuring its sustainability.

Measurements used to track progress and evaluate the effectiveness of efforts to advance racial equity within the project:

Tracking progress and evaluating the effectiveness of efforts to advance racial equity within the project is essential to ensure accountability and success. The following are measurements and evaluation steps to be implemented using the existing systems and annual monitoring procedures of the City of Auburn:

DRAFT

Demographic Data Collection:

HUD-approved methods for collecting and reporting demographic data from tenants and homebuyers during the application process will create a composition baseline. This data regularly includes information on race, ethnicity, and income level. This data is collected in a non-intrusive and privacy-conscious manner, following relevant regulations and guidelines.

Analysis of Tenant Demographics:

As part of the City's annual HUD reporting requirement, this data will be regularly analyzed to assess the income, racial, and ethnic composition of residents within the project. Any measurable disparities or inequities identified in the report will provide additional analysis of the reasons behind them.

Outreach and Engagement Metrics:

Tracking the effectiveness of outreach efforts aimed at attracting a diverse applicant pool will be used to evaluate the success of engagement initiatives that promote the project within underserved communities.

Resident Satisfaction Surveys:

The city will conduct regular resident satisfaction surveys to gather feedback from residents about their experiences within and around the project. This includes questions about the sense of belonging, inclusion, and satisfaction with the living environment to gauge the project's impact on racial equity.

Accessible Communication Channels:

The city and developer will ensure that communication channels are accessible and inclusive to residents of all backgrounds. This will be done by monitoring engagement and participation rates in community meetings, workshops, and feedback sessions to assess inclusivity.

Complaints and Grievance Tracking:

The city will establish a system for tracking and addressing complaints or grievances related to racial equity issues within and around the project. These complaints will be used to analyze trends and patterns in complaints and resolutions to identify areas for improvement.

Partnerships and Collaborations:

The multiple partners within this project will measure the impact of these community service providers and collaborations, focusing on racial equity, social justice, and affordable housing. The engagement of residents will be used to track outcomes, joint initiatives, and community-driven projects resulting from these partnerships.

DRAFT

By implementing these measurement and evaluation steps within the existing systems and annual monitoring procedures, the City of Auburn can ensure ongoing accountability and demonstrate a commitment to advancing racial equity within the affordable housing project.

iv. Affirmative Marketing

To assure compliance with Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and affirmatively market the housing, services, and benefits provided within this project, it's important to outline specific methodologies and strategies for achieving this goal. The following processes will be utilized to encourage and equitably attract tenants:

Rental Unit Marketing and Lease-Up Process:

The rental unit marketing and lease-up process will be designed to ensure equitable access to housing for all demographic groups, particularly those who may be unlikely to apply without specific outreach efforts. Our approach will include:

- **Comprehensive Outreach:** We will conduct outreach through various channels, including local newspapers, online platforms, community organizations, and social media. These advertisements will highlight the availability of rental units and emphasize our commitment to fair and equal housing opportunities.
- **Multilingual Materials:** All marketing materials, including brochures and online listings, will be available in multiple languages commonly spoken in the community to accommodate diverse linguistic backgrounds.
- **Inclusive Language:** Advertisements will use inclusive and non-discriminatory language to welcome individuals of all backgrounds. We will explicitly state our commitment to complying with fair housing laws.
- **Accessibility:** Marketing materials will be designed to be accessible to individuals with disabilities, including providing information in alternative formats upon request.

Single-Family Units Advertised for Sale Process:

The process for advertising single-family units for sale will incorporate similar principles to the rental unit process, focusing on ensuring equitable access to homeownership opportunities. Working with the developer will ensure that all information, education and accessibility is properly delivered based on the needs of the population.

- **Broad Outreach:** We will advertise the availability of single-family units through various platforms, including real estate listings, open houses, and community events. These advertisements will stress our dedication to fair and equal access to homeownership.
- **Cultural Sensitivity:** Our marketing materials will reflect cultural diversity and sensitivity to the needs of different communities within the area.

DRAFT

- **Financial Counseling:** We will offer resources and referrals for financial counseling to potential homebuyers to help them navigate the mortgage application process and understand their rights under fair housing laws.

Duplex Units Advertised for Sale Process:

The marketing and sale process for duplex units will mirror the approach used for single-family units, focusing on inclusivity and equity in homeownership opportunities.

- **Equitable Access:** We will actively promote the availability of duplex units to a diverse range of potential buyers, emphasizing equal access and opportunity for all.
- **Educational Workshops:** We will organize educational workshops and seminars to inform potential buyers about the advantages of duplex ownership, including rental income opportunities. Due to barriers to education in these vulnerable communities, we will also use a targeted approach by working with local organizations and also provide education for first time home buyer programs and homebuyer education classes.

Culturally Appropriate Mortgage Lending Advertising Process:

To ensure culturally appropriate advertising for mortgage lending, we will collaborate with local lending institutions to implement the following strategies:

- **Translation Services:** Partner with translators to provide mortgage information in languages spoken by diverse communities in the area.
- **Cultural Competency Training:** Ensure mortgage lending professionals are trained in cultural competency to effectively serve a diverse clientele.
- **Community Engagement:** Connect with local community organizations and leaders to build trust and provide culturally appropriate mortgage lending information.

By implementing these methodologies, we aim to affirmatively market our housing and services while upholding the principles of the Fair Housing Act, promoting equal access to housing, and embracing the diversity of our community.

DRAFT

B. THRESHOLD AND OTHER SUBMISSION REQUIREMENTS EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit B: Threshold Requirements and Other Submission Requirements

The City of Auburn is the applicant and has a valid and active registration on Sam.gov with a Unique Entity Identifier (UEI) # T33MAJLE1MJ3. Additionally, the city has no ongoing civil rights matters and will provide for a timely application.

i. Eligibility of Applicant

The City of Auburn, as the applicant, is a qualified unit of local government with experience administering Community Development Block Grant entitlement funds as well as HOME Investment Partnership Funds from the U.S. Department of Housing & Urban Development.

ii. Eligible Activities funded with grant funds

The City of Auburn will use grant funds only for the eligible activities below pursuant to section 105 (a) of the Housing and Community Development Act of 1974 and applicable program regulations at 24 CFR part 570 as applied and modified by the PRO Housing NOFO:

NOFO Section F-2 © i - Planning and policy activities supporting affordable housing:

- D: Developing new incentive programs for affordable housing development
- E: Expanding existing affordable housing incentive programs to broader geographies, including high-opportunity neighborhoods
- G: Establishing incentive programs or flexibilities to enable and promote the adaptive reuse of vacant or underutilized properties for housing or mixed-use development
- S: Developing regional planning models that enhance location efficiency by focusing on connecting housing, transportation, and economic growth
- T: Providing affordable housing developers a first look at tax sale properties and other government properties
- V: Developing proposals for policies that incentivize mixed-income development, such as the inclusion of affordable units in market-rate properties

NOFO Section F-2 © ii - Development activities:

- A: Financing the construction or rehabilitation of affordable housing
- B: Acquisition or disposition of land or real property for the development of affordable housing
- C: Facilitating the conversion of commercial or other properties to new housing
- D: Establishing or assisting a Community Development Financial Institution (CDFI) to carry out financing strategies
- E: Providing large-scale technical assistance to affordable or non-profit developers, community land trusts, or other entities, which leads to the development of affordable housing

DRAFT

NOFO Section F-2 © iii - Infrastructure activities:

- A: Installing new utilities and/or infrastructure improvements necessary for the development or preservation of affordable housing
- B: Upgrading existing utilities or improvements to increase an area's overall capacity for new housing
- C: Establishing tax-increment financing districts to fund infrastructure improvements or affordable housing development, especially those that incentivize affordable housing development
- D: Increasing community resiliency by investing in infrastructure improvements and nature-based solutions to mitigate the impacts of disasters, natural hazards, and extreme weather to make areas suitable for new affordable housing investment
- E: Investing in neighborhood amenities that benefit low-and-moderate income residents, such as parks, community centers, bike lanes, and improvements to the physical environment that increase public safety, such as streetlights or sidewalks

DRAFT

C. DEMONSTRATION OF NEED EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit C: Demonstration of Need

The State of Maine Housing Production Needs Study published in October 2023 quantified the historic underproduction of housing for the Central Western Maine region. The cities of Lewiston & Auburn represent the second largest urban population in the region. This study indicates a housing shortfall of 22,700 to 24,700 units to meet future demand. This annualized number represents a needed increase of 150-170% new units created over current production rates.

Table 1: Historic Underproduction and Future Need by Region

Region	*Historic Underproduction*	*Future Need (2021 – 2030)*	*Total*
Coastal	21,200	24,200 – 28,000	45,400 – 49,200
Central Western	13,000	9,700 - 11,700	22,700 – 24,700
Northeastern	4,300	4,000 - 6,100	8,300 – 10,400
Maine	**38,500**	**37,900 - 45,800**	**76,400 – 84,300**

The need for greater availability of affordable housing in our region is evident as Auburn's population grows at a rate of 0.42% per year, with a 1.26% increase (303 people) between 2020-2022 and a poverty rate of 12.1% in 2020 (a 6.6% 1-year increase). Inflation and population growth from 2019-2022 have created a severe housing shortage.

ESRI data for 2023 to the right demonstrates that 70% of the housing (2,251 units) located within the three downtown Auburn census tracts was constructed before 1940. This means over two-thirds of the urban core housing lacks modern accessibility and efficiency.

75% of these units are rentals, and over 50% of them are to households making less than $35K per year. A disproportionate number of low-income renters within Auburn live in antiquated, inefficient, and lead-contaminated housing.

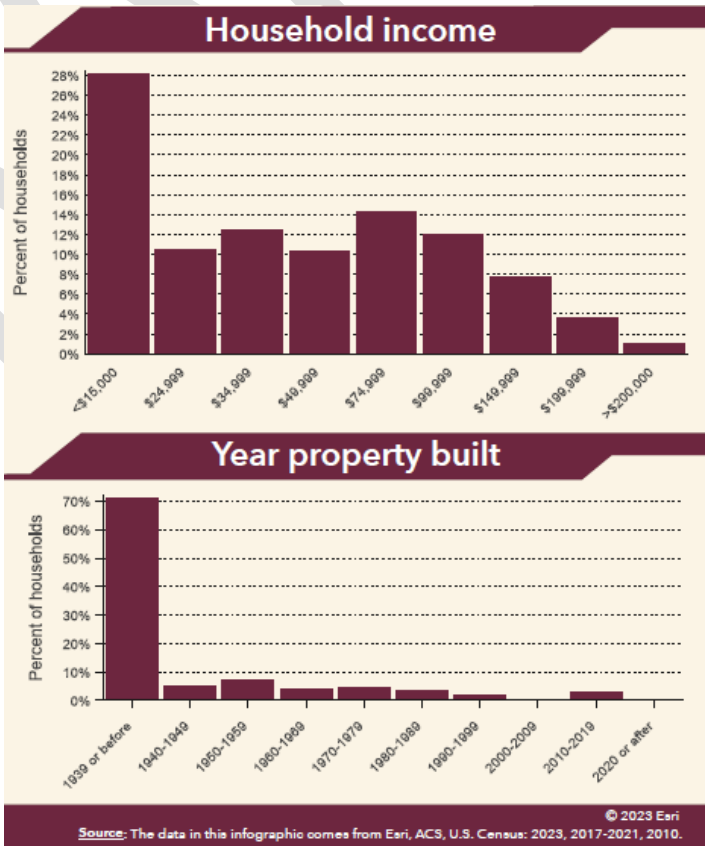


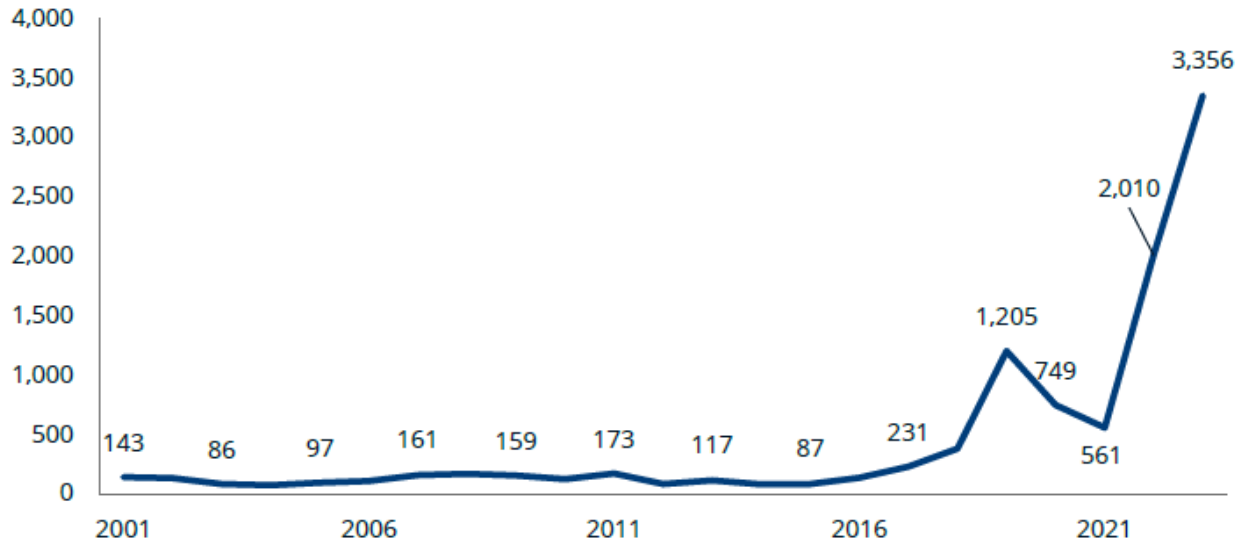
Table 2: Annualized Production Needs Compared to Annual Building Permits by Region

	Total Annual Production Need	*5-year average (2016 - 2021)*	*% Change in Permits*	*Net Change in permits*
Coastal	**5,100 – 5,500**	3,400	**50% - 62%**	**1,700 – 2,100**
Central Western	**2,500 – 2,700**	1,000	**150% - 170%**	**1,500 – 1,700**
Northeastern	**900 – 1,100**	400	**128% - 175%**	**510 - 700**
Maine	**8,500 – 9,300**	4,800	**77% - 94%**	**3,700 – 4,500**

Also included within the State of Maine's housing needs report is the most accurate measurement of asylum seekers settling in Maine. The notice-to-appear filings (a proxy for the total number of asylum seekers in Maine) indicate an increase of over 3,000 cases per year from 2018 to 2023.

This rising trend of locating asylum seekers and new Mainer minority populations within the existing urban core is the result of an economic system that reinforces existing housing disparities. As established above, these urban core neighborhoods where rents are more affordable are already contributing to the systematic concentration of low-income residents and minority populations within older, inefficient, lead-contaminated housing stock.

Figure 9: Total Individual Notice-To-Appear Cases Filed, 2001 - 2023

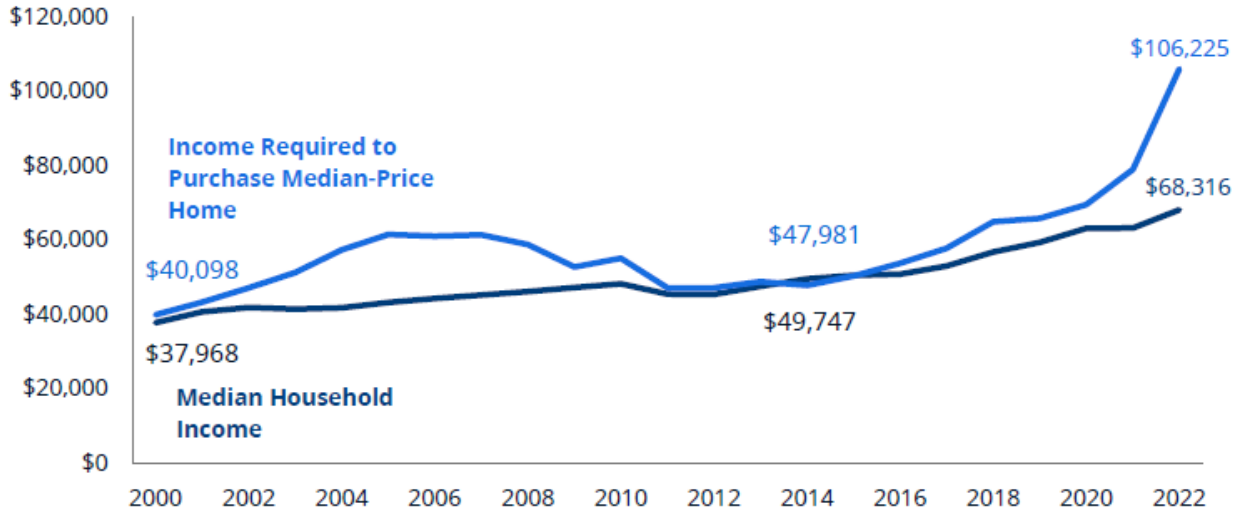


Source: TRAC New Proceedings Filed in Immigration Court; Notice to Appear Deportation Cases 2001 – 2023

Lastly, the pressure on housing affordability caused by the historic underproduction of units and the recent influx of new residents has created a spike in housing prices that has yet to subside. The 2022 Homeownership Housing Facts and Affordability Index published by Maine State Housing Authority demonstrates a 13% increase in the median single-family home price from 2021 to 2022.

This means the previous home price of $295,000 rose to $334,000 in just one year. This number is still dramatically higher than the HUD-established Housing Trust Fund sale price maximum of $206,000. The graphic provided below by Maine State Housing Authority demonstrates the purchasing capacity of Maine residents compared to the median household income. This disparity is another data point indicating the need for new, affordable housing production for Maine homebuyers, not just renters.

Figure 29: Purchasing Capacity Over Time, 2000 - 2022[23]



Source: MaineHousing 2022

Several key factors underscore the urgency of addressing this issue:

1. **Rising Housing Costs:** The escalating costs of homeownership and rental properties have placed a significant burden on low- and moderate-income households. Many families struggle to secure safe and stable housing that aligns with their financial means.
2. **Income Disparities:** Income disparities persist in our community, resulting in a widening gap between housing affordability and the financial capacity of a substantial portion of our population. This inequality threatens the social fabric of our region and hampers opportunities for economic mobility.
3. **Limited Housing Availability:** The supply of affordable housing units has not kept pace with the growing demand. This shortage has created a highly competitive housing market, leaving vulnerable populations at risk of homelessness or housing instability.
4. **Community Stability:** Access to affordable housing is integral to maintaining community stability. Affordable housing options enable individuals and families to establish roots, fostering a sense of belonging and contributing to the overall health and resilience of our neighborhoods.

5. **Employment Opportunities:** Affordable housing supports local economies by ensuring a diverse workforce can remain in the area. By addressing the housing affordability crisis, we can better attract and retain skilled workers, benefitting both employers and employees.
6. **Social Well-being:** The lack of affordable housing options adversely affects our residents' physical and mental well-being. Stable and affordable housing is a fundamental pillar of individual and family health.
7. **Reducing Homelessness:** By investing in affordable housing initiatives, we can take proactive steps to reduce homelessness and alleviate the strain on emergency shelter systems, healthcare resources, and public safety services.
8. **Health Outcomes:** A history of disinvestment and centralized poverty in communities of color has led to substandard housing quality, which in turn exacerbates racial health disparities. Neighborhoods subjected to exclusionary zoning see lower life expectancy and a higher prevalence of chronic diseases today. Quality housing leads to positive health outcomes.
9. **Community Resilience:** Access to affordable housing is vital in times of crisis, such as natural disasters or economic downturns. It ensures that our community remains resilient in the face of unexpected challenges.

In light of these pressing concerns, our commitment to creating affordable housing opportunities is not only a moral imperative but also a strategic investment in our region's long-term prosperity and well-being. Addressing the need for affordable housing is a critical step toward building a more inclusive, equitable, and sustainable community.

i. Efforts to identify, address, mitigate, or remove barriers to affordable housing production

The City of Auburn has taken significant steps to address the affordable housing crisis through innovative approaches. These efforts include approving Accessory Dwelling Units in city zoning, creating new housing options and rental income opportunities for middle- and low-income residents. These initiatives have gained recognition in "The YIMBYest City in America" article published by Discourse Magazine on May 18, 2022. The city has also faced challenges related to NIMBYism, as highlighted in the Maine State Housing Authority's 2019 Analysis of Impediments to Fair Housing Choice report. These zoning changes have sparked extensive community discussions, with residents expressing both support and concerns about their impact on traditionally single-family neighborhoods. This "Zone Defense" reaction reflects the ongoing challenges identified by MSHA in their analysis of Fair Housing Choice impediments.

Specific actions the City has already taken are summarized below:

Policy Review and Reform: Auburn's 2021 Comprehensive Plan Update exemplifies a visionary approach to sustainable growth. Our goal is to expand thoughtfully from our historic city cores, fostering vibrant neighborhoods that define our identity. We are dedicated to efficiently

maximizing land usage and services, preserving neighborhood character, and ensuring resources for current and future residents. Auburn is committed to strengthening community bonds, seizing opportunities, and pursuing growth with environmental conservation as an integral part of our identity.

Streamlined Permitting Processes: Red tape has historically hindered housing production and steered investments away from our community, potentially exacerbating vehicle miles traveled and promoting housing segregation. The City of Auburn is actively addressing these challenges by streamlining our regulatory processes, making them faster, more cost-effective, and more predictable than other jurisdictions. Here are some key initiatives:

1. **Coordinated One-Stop Experience:** The city offers a seamless, one-stop experience for project development, including initial discussions, site location assistance, and incentives to overcome obstacles. Our local and State delegated permit reviews come at a fraction of the usual State fees, with an average turnaround time that is only 25% of what developers would encounter elsewhere.

2. **Form-Based Code Districts:** In designated areas and preapproved industrial or commercial subdivision lots, the city provides swift staff-level approvals for most uses, ensuring efficient site development. If a project encounters challenges, staff are committed to working alongside you to find solutions.

3. **Veteran Homeowners and Businesses:** The city has eliminated permit fees for veteran homeowners and slashed them in half for veteran-owned businesses, honoring and supporting those who have served our country.

4. **Competitive Permitting Fees:** Auburn boasts the lowest permitting fees among major cities in the State. For instance, the permit fee for a new single-family home is as low as $25.00, making our community highly cost-competitive.

5. **Private Investor Partnerships:** Our city collaborates with private investors eager to build tailored solutions for solid tenants and industry clusters, offering more opportunities for growth.

Investors are taking notice of these efforts. External factors, such as the rise in remote work opportunities and the appeal of living in Auburn with its abundant recreational options, have driven increased demand for housing within the city and the State as a whole. Additionally, pricing and regulatory changes in other parts of the State have made these streamlined processes even more attractive and competitive in the housing market.

Inclusionary Zoning: Our 2021 Comprehensive Plan Update recognized that traditional residential zoning presented a significant challenge to fostering diverse housing options within desirable neighborhoods. Conventional zoning practices had historically segregated single-family homes from rental and condominium-style housing, often relegating rentals to commercial zones. The city sought to dismantle this practice and promote a more inclusive approach, allowing people to reside together in various housing types.

DRAFT

To achieve this, we drew inspiration from form-based codes and initiated substantial changes to our residential zoning regulations. These revisions now permit a broad spectrum of residential and community uses, with a density allowance of up to 16 units per acre in areas equipped with utility infrastructure and pedestrian accessibility.

Our next endeavor is to extend the reach of infrastructure to the outskirts of urban areas, creating opportunities for housing development at an efficient density. Simultaneously, we remain committed to preserving connectivity to essential amenities, high-quality recreational spaces, open areas, and community gathering points. This holistic approach ensures that our community thrives with diverse housing options while maintaining access to the essentials that enrich our residents' lives. An important mention is also to continue outreach for diversity in developers and partnerships. The intentionality of working with a developer with a wealth of knowledge in racial and ethnic inequities allows the City of Auburn to further continue to build inclusionary housing.

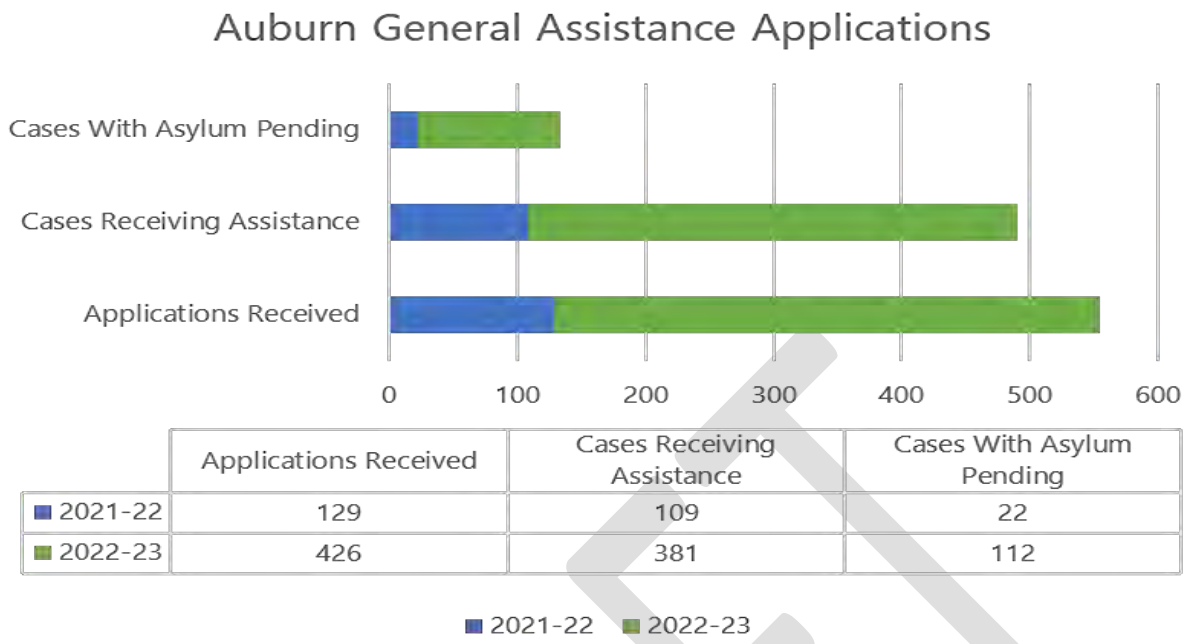
1. **Financial Incentives:** Providing financial incentives, such as tax credits, grants, or subsidies, to developers and builders who commit to constructing affordable housing units can stimulate production.
2. **Partnerships:** Collaborations between government agencies, nonprofits, and private developers can effectively pool resources and expertise to address affordability challenges.
3. **Mixed-Income Development:** Promote mixed-income housing developments that integrate affordable units within market-rate projects to avoid creating concentrated areas of poverty.
4. **Tenant Protections:** Enforce tenant protections to prevent unjust evictions and ensure renters have stable housing options.
5. **Housing Vouchers:** Expand housing voucher programs to help low-income individuals and families afford rental housing in the private market.

By implementing these strategies and considering the local context, communities can work towards removing barriers and increasing the production of affordable housing, ultimately improving housing affordability for their residents.

ii. Demand for affordable housing

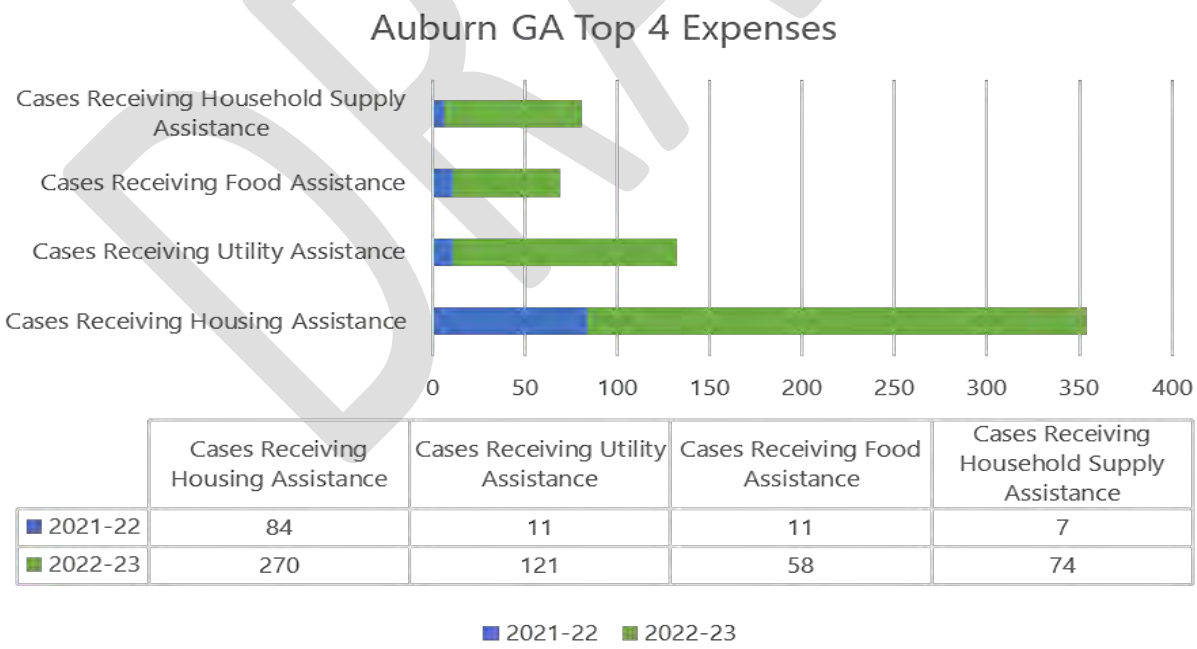
Efforts to house previously uncounted homeless populations and an influx of asylum seekers have further depleted affordable housing options. The Auburn General Assistance Office has seen a 509% increase in asylum-seeking cases, accommodating 112 cases recently. Local data from two pandemic-operated emergency shelters, the Lewiston Ramada Inn and the Lewiston Armory, reveal the catch-basin effect of homeless services in the Lewiston-Auburn MSA. These shelters housed 213 individuals, with 60% from Lewiston, 20% from Auburn, and 20% from outside the jurisdiction.

DRAFT



	Applications Received	Cases Receiving Assistance	Cases With Asylum Pending
2021-22	129	109	22
2022-23	426	381	112

The report also highlights the city's use of American Rescue Plan Act (ARPA) funds for the Project Support You (PSY) program. These funds provided a dedicated staff position with mental health and substance abuse expertise to co-respond directly with Auburn police and fire departments to triage care during rescue calls. In the first seven months, staff, in collaboration with Tri-County Mental Health, served 263 homeless Auburn residents.



	Cases Receiving Housing Assistance	Cases Receiving Utility Assistance	Cases Receiving Food Assistance	Cases Receiving Household Supply Assistance
2021-22	84	11	11	7
2022-23	270	121	58	74

HUD defines cost-burdened families as those paying over 30% of income for housing, while severe rent burden refers to those paying over 50%. Before COVID, 29% of Auburn residents were cost-

DRAFT

burdened. Current numbers are likely higher due to rising rents, although updated data is challenging to obtain.

Auburn Income Distribution by Tenancy*						
	Owners	Owners %	Renters	Renters %	Total	% of Pop
Household Income Less than 30% HAMFI	260	4.5%	1140	24.8%	1400	13.4%
Household Income 30-50% HAMFI	525	9.0%	1070	23.2%	1595	15.3%
Household Income 50-80% HAMFI	795	13.6%	1265	27.5%	2060	19.7%
Sub total under 80% HAMFI	**1580**	**27.1%**	**3475**	**75.5%**	**5055**	**48.4%**
Household Income Over 80% HAMFI	4255	72.9%	1130	24.5%	5385	51.6%
Total	**5835**		**4605**		**10440**	
Housing Cost Burden (as a percentage of income)*						
Cost Burden greater than 50%	540	9.3%	905	19.7%	1445	13.8%
Cost Burden 30-50%	665	11.4%	955	20.7%	1620	15.5%
Sub total Cost-Burden	**1205**	**20.7%**	**1860**	**40.4%**	**3065**	**29.4%**
Cost Burden less than 30%	4630	79.3%	2745	59.6%	7375	70.6%
Total	**5835**		**4605**		**10440**	
*Comprehensive Housing Affordability Strategy (CHAS) data date :2015-2019 ACS						

Fair Market Rents (FMR) for Existing Housing						
	SRO	0BR	1BR	2BR	3BR	4BR
Lewiston-Auburn MSA*	$560	$747	$834	$1,060	$1,393	$1,567
Auburn Housing Authority 2022 Rent Rate Survey		$860	$1,000	$1,496	$1,643	$2,182
Delta		**-$113**	**-$166**	**-$436**	**-$250**	**-$615**
	*Maine State Housing Authority (MSHA) effective: 10/2/2022					

Auburn Affordable Housing Options				
	Units	% of Units		
MSHA Income-based & Rent restricted	813	17.7%	Total Renters under 80% HAMFI	3475
AHA Housing Choice Vouchers (HCV)	400	8.7%	Total Affordable Rental Units	1213
Sub Total of Affordable	**1213**	**26.3%**	**Unmet Needs=**	**2262**

Based on the most recent American Community Survey, over 48% of Auburn's population falls under 80% AMI, making them eligible for rental assistance through the HOME Investment Partnership Program, as calculated by HUD's HAMFI. Of the available affordable housing options that Maine State Housing Authority & Auburn Housing Authority provided, the table above demonstrates a shortfall of 2,262 additional units.

Additionally, the average cost of Housing Choice Vouchers in Auburn has increased during the past 5 years the most (75%) among all PHAs in Maine. This rate is among the highest increases in the country, further demonstrating the gap between what households in Auburn can afford to pay and what the prevailing market rental rates are.

In a WMTW Channel 8 news special feature aired on September 18, 2023 (https://www.wmtw.com/article/maines-housing-crisis/45087545), reporters identified a larger state-level affordable housing crisis. This report used census data to qualify over 75% of the current renters nationwide as being cost-burdened as defined by U.S. Department of HUD thresholds. In Maine, this is reflected in the State of Maine's housing needs report. This report, published in October of 2023, finds both demand-side drivers comprised of sudden in-migration caused by COVID-19 and a declining labor force caused by aging households as key contributors to rising housing costs and reduced absorption rates.

iii. Key barriers to producing affordable, accessible housing

The WMTW report referenced above quantified that, with rising construction costs and related interest rates, the new median home price in Maine is $334,000 (a 7.43% increase). This means a household needs an income of over $106,000 to buy a home. With a median income of only $66,000 per year, 72% of Mainers are now priced out of the homeownership market. These data points have again been supported by the new State of Maine Housing needs report. This report identifies multiple supply-side drivers, namely historic low housing production rates caused by increased material costs and higher costs related to the necessary capital to facilitate these developments. These findings are more extreme in communities of color.

Rising interest rates and labor costs have contributed to the widespread grinding halt of housing production. As interest rates rise, the cost of capital gets more expensive, and investors' economic incentives are decreased. Multiple housing projects within Maine have recently seen investors pull out as the private savings and bond market returns have increased and effectively surpassed the value of real estate development yields. This has caused many developers and projects to seek new and more creative capital stack compositions in order to proceed.

Additional resource restrictions on the municipal side have also contributed. As municipal budget requirements related to General Assistance, police, and first responders have increased sharply in response to the COVID-19 & homelessness crisis, there are fewer available funds and staffing capacity to invest in long-term housing solutions. This is a widespread governmental stressor in which responding to today's crisis severely limits the development of tomorrow's solutions.

DRAFT

D. SOUNDNESS OF APPROACH EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit D: Soundness of Approach

i. Project Vision

Our project envisions the creation of a harmonious and vibrant mixed-use residential development that seamlessly integrates into the natural beauty of its surroundings. Nestled within this thriving community, residents will experience a unique blend of modern living, outdoor exploration, and environmental stewardship.

Residential Excellence: At the heart of our vision lies a diverse array of thoughtfully designed residential units, including single-family homes and apartments, catering to a variety of lifestyles and needs. These residences will provide shelter and foster a sense of belonging and community, encouraging residents to forge lasting connections with their neighbors.

Unspoiled Natural Beauty: We are committed to preserving the pristine natural environment that characterizes this locale. Our project will set aside extensive conservation land and green spaces, ensuring that the region's ecological richness remains untouched for generations to come. Residents will have the privilege of living in harmony with nature, fostering an appreciation for the environment.

Recreational Oasis: The development will feature an extensive network of walking trails carefully woven into the landscape, inviting residents to explore and connect with the great outdoors. These trails will offer serene pathways for leisurely strolls, invigorating hikes, and moments of quiet reflection. We envision a community where every resident can relish the rejuvenating power of nature right at their doorstep.

Race and Ethnic Equity: We are committed to advancing antiracist housing policy and practice that permeates housing. Following leadership by Auburn's Mayor "The YIMBYest City in America" will tackle historic, structural, and systemic drivers of inequitable outcomes.

Environmental Education Hub: A pivotal aspect of our project is the establishment of an outdoor environmental learning facility where residents and the wider community can deepen their understanding of the natural world. This center will serve as a beacon of environmental education, fostering a culture of sustainability and responsible living.

Conservation in Action: We view our project not only as a residential haven but as a testament to responsible development. Through our conservation efforts and sustainable practices, we aspire to set a standard for environmentally conscious living, inspiring similar initiatives across the region.

Our project's vision is a harmonious synthesis of modern living, environmental preservation, and community enrichment. It is our aspiration that this development will not only provide homes but also nurture a thriving, sustainable, and interconnected community where residents live in harmony with nature while enjoying the conveniences of modern life.

DRAFT

ii. Geographic scope

This project has a scope of impact well beyond the city of Auburn. As detailed in the WMTW data referenced above, the lack of affordable housing, especially homeownership opportunities, is a statewide issue. Additionally, the report documented over 1,000 new asylum seekers who have been housed by the city of Portland this year. Portland regularly houses General Assistance cases in Auburn, as a lack of available units in Portland. The City of Auburn General Assistance program saw a 330% increase in local need for housing assistance for those earning less than $746 per month. Of the 426 applications received in the last 12 months, 112 were asylum-related cases, demonstrating a 509% increase in asylum seekers moving to the city.

Therefore, it is essential to consider the catch-basin effect of new housing creation. Any new housing may indeed attract residents from outside of Auburn who are seeking greater accessibility to the resources of Auburn's economic centers or employment opportunities. These new residents represent not only the wider geographic scope of this project but also a wider applicability of time. Without considering future growth capacity and the interests of the soon-to-be residents, any fixation on current or "traditional" Auburn identities, traits, or neighborhood characteristics would be a continuation of a system that historically excludes large portions of the population from the equal and equitable access to housing that the present need dictates.

iii. Key stakeholders and Engagement

In addition to the listed project partners, which already constitute a broad cross-section of government, private, and nonprofit service providers, engaging key community stakeholders is crucial for the success of your affordable housing project. Here's a list of key stakeholders and strategies for engaging them:

Local Government Officials:

Engage with city council members, mayors, and other local government officials to gain their support and keep them informed about the project's progress. Attend city council meetings and participate in public hearings on affordable housing initiatives.

Collaborate with relevant city departments, such as the planning and housing departments, to ensure alignment with city goals and regulations.

Community Residents and Neighborhood Associations:

Establish open lines of communication with residents in the project area and nearby neighborhoods.

Organize community meetings and town halls to share project updates, address concerns, and gather input from community members.

Collaborate with neighborhood associations and residents to create a sense of ownership and inclusion in the project.

DRAFT

3. Nonprofit Organizations and Advocacy Groups:

Partner with local nonprofits, housing advocacy groups, and civil rights organizations to leverage their expertise and resources.

Seek input and guidance from these organizations on equitable housing practices and fair housing policies.

Explore potential funding opportunities and support from these groups.

Education and Workforce Development Programs:

Collaborate with local educational institutions and workforce development programs to provide training and employment opportunities for residents.

Support initiatives that enhance residents' skills and employment prospects, ultimately promoting economic stability.

Community-Based Service Providers:

Connect with organizations providing social services, childcare, healthcare, and other essential services.

Explore partnerships to offer on-site or nearby services for project residents.

Enhance the overall quality of life for residents through these partnerships.

Public Engagement and Media:

Develop a comprehensive public engagement strategy that includes media outreach, press releases, and social media campaigns to raise awareness about the project.

Ensure accurate and positive coverage of the project's goals and progress.

Engaging these key stakeholders will help build a strong foundation of support, expertise, and collaboration, making it more likely for your affordable housing project to succeed in advancing racial equity and fair housing goals. Regular communication, transparency, and active involvement of stakeholders throughout the project's lifecycle are essential for its success.

iv. Affirmatively furthering fair housing

Affirmatively furthering fair housing and promoting racial equity in a mixed-use residential development with walking trails and conservation land can be achieved through a deliberate and thoughtful approach. Here's how this project can contribute to these important goals:

Diverse Housing Options: By offering a range of housing types, including single-family homes, duplexes for larger families, and apartments for smaller families and individuals, the project can attract a diverse population. This inclusivity is essential for affirmatively

DRAFT

furthering fair housing, as it ensures that people from various racial and economic backgrounds have equal access to housing options that suit their varying needs.

Accessible Amenities: The project's commitment to pedestrian infrastructure and recreational spaces, such as biking and walking trails, along with community gathering areas, creates accessible amenities for all residents. These spaces can be designed to accommodate people with different mobility needs, promoting inclusivity.

Equitable Pricing and Affordability: Implementing affordability measures, such as income-restricted units or partnerships with affordable housing organizations, can make housing within the development accessible to a broader range of income levels. This approach helps address historical disparities in housing access and affordability.

Inclusive Community Engagement: Engaging residents from diverse backgrounds in the decision-making process for the project, including design, amenities, and services, ensures that the development aligns with the needs and preferences of all community members. This participatory approach fosters a sense of ownership and equity.

Education and Awareness: Establishing an outdoor environmental learning facility within the development can serve as a platform for educational programs on environmental stewardship, sustainability, and equity. This facility can be used to raise awareness about the importance of fair housing and racial equity in the context of community development.

Anti-Discrimination Policies: Enforcing anti-discrimination policies and fair housing laws within the development, along with offering resources for reporting violations, ensures that all residents are treated equitably and without prejudice.

Cultivating a Diverse Community: By promoting diversity and inclusion in marketing and outreach efforts, the project can attract a broad spectrum of residents, contributing to a racially diverse and integrated community.

The project's commitment to providing equitable access to housing, amenities, and educational opportunities, combined with proactive measures to address historical disparities, can affirmatively further fair housing and promote racial equity within the development and the broader community. This approach sets a positive example for future developments and contributes to a more just and inclusive society.

v. Budget and Timeline

The expected budget expenses and sources are detailed within the attached HUD 424-CBW. As stated previously, the primary use of PRO Housing grant funds would be to install the essential roads and utilities for the construction of an entirely new neighborhood. These funds are critical to the timely completion of these vital housing units. Traditional city funding or Tax Increment financing models rely heavily on the ability of developers to fund these public utilities upfront. This is not only more challenging in an expensive construction market but is prohibitive to new developers, specifically women and minority-

DRAFT

owned businesses that do not possess the capital or credit required to fund the entirety of a project this size.

Financial contributions include but are not limited to the property value of the city-owned real estate, the future Tax Increment Financing project costs to cover ongoing childcare and other community services, as well as private capital contributions from the developer and Androscoggin bank for the development and the permanent financing options for the homeowners.

Detailed Description of Budget				
Analysis of Total Estimated Costs			**Estimated Cost**	**Percent of Total**
1	**Personnel (Direct Labor)**		$439,400	1.0%
2	**Fringe Benefits**		$290,004	0.6%
3	**Travel**		$0	0.0%
4	**Equipment**		$0	0.0%
5	**Supplies and Materials**		$0	0.0%
6	**Consultants**		$0	0.0%
7	**Contracts and Sub-Grantees**		$3,400,000	7.4%
8	**Construction**		$42,008,000	91.0%
9	**Other Direct Costs**		$0	0.0%
10	**Indirect Costs**		$0	0.0%
	Total:		**$46,137,404**	**100.0%**
		Federal Share:	**$9,500,000**	
Match (Expressed as a percentage of the Federal Share):			**79.4%**	

Detailed Sources of Funds				
			Estimated Contribution	**Percent of Total**
1	**HUD Share**		$9,500,000	20.6%
2	**Applicant Match**		$4,129,404	9.0%
3	**Other HUD Funds**		$0	0.0%
4	**Other Federal Share**		$0	0.0%
5	**State Share**		$3,300,000	7.2%
6	**Local/Tribal Share**		$0	0.0%

7	**Other Private Financing**	$13,940,800	30.2%
8	**Program Income**	$15,267,200	33.1%
	Total:	**$46,137,404**	**100.0%**

Timeline:

1. **Pre-Development Phase (6-12 months):**
    - Land surveying and due diligence
    - Architectural and engineering planning
    - Permitting and approvals
    - Securing financing
2. **Infrastructure Construction Phase (12-24 months):**
    - Site preparation and infrastructure development
    - Site clearing and layout
    - Installation of public right of ways and installation of utilities
3. **Residential Construction and Lease-Up Phase (12-36 months):**
    - Construction of phased multi-unit and residential construction
    - Marketing and advertising efforts
    - Application intake and processing
    - Lease-up and occupancy
4. **Ongoing Operations and Resident Services (36+ months):**
    - Property management and maintenance
    - Resident services and community programs
    - Regular monitoring and evaluation
5. **Compliance and Reporting (20 years):**
    - Ongoing fair housing compliance monitoring
    - Regular reporting to funders and stakeholders

DRAFT

E. CAPACITY EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit E: Capacity

i. City and Partner Capacity & Staffing Plan

City Staff:

The project will be overseen by the City of Auburn's Business & Community development Director and their designated staff. This grant will be managed directly by the Deputy Director of Business & Community Development and well as the Financial Compliance Manager, both of which have experience managing HUD entitlement funds. Additional support will be provided by the Directors of Transportation Systems, Capital Investment, Planning & Permitting as well as their required staff to complete extra technical assistance to the developer during the design, approval, and construction process. City staff capacity and a staffing plan are essential components of successfully managing and overseeing this housing project. As demonstrated within the included 424-CBW, key city staff are included in this project and will be covered by existing city and entitlement funding for the duration of the construction and monitoring period.

Homes For All, LLC:

Fatuma Hussein, an Auburn resident with a strong history in addressing housing disparities by providing translation and social services. Fatuma has played a pivotal role at the Immigrant Resource Center of Maine, offering culturally and linguistically sensitive support to refugee and immigrant communities in Maine. Fatuma founded Homes For All, LLC and employs an advisory council of experienced housing developers with backgrounds in non-profit as well as for-profit housing development.

Advisory Team:

- **Dana Totman** – Affordable Housing & non-profit leader with 40+ years' experience addressing community challenges around housing. Previous roles include:
  - President & CEO of Avesta Housing 2000-2022
  - Deputy Director of Maine State Housing Authority 1994-2000
- **Kevin Bunker** – Specialization in housing development financing, permitting & project Management. Previous roles include:
  - Principal of Developers Collaborative 2007-2023
- **Genesis Community Loan Fund -** Agency providing Technical Assistance to Maine communities including municipalities, community groups, private developers, and cultural organizations that have an interest in creating affordable housing.

YMCA of Auburn-Lewiston

The YMCA of Auburn-Lewiston will open, staff, furnish, and operate at its own cost a full-service Early Childhood Education Center at the proposed housing community center. Priority will be given to residents in the proposed Winter Oaks Housing Development. Licensing, staff training, and initial start-up costs are expected to be between $40,000 and $60,000. The YMCA of Auburn-Lewiston will provide these funds as an in-kind donation to the project.

DRAFT

Androscoggin Land Trust (ALT)

ALT will establish and maintain a stewardship endowment fund, akin to those set up for other parcels. This fund will allow them to allocate a yearly percentage towards essential stewardship costs. They will also mobilize a dedicated network of volunteers to assist with maintenance, programming, and stewardship efforts for the Winter Oaks Parcel.

Androscoggin County Emergency Management Agency (EMA)

The Androscoggin EMA staff will provide technical assistance and training relating to the establishment and operational procedures of an emergency shelter at Winter Oaks. The Androscoggin County Emergency Management Agency supports the Winter Oaks Housing Development project recognizing its inclusion of an emergency disaster shelter with backup power generation will serve the White Oaks community and benefit the vulnerable population south of the Little Androscoggin River, enhancing community resiliency and build response and recovery capabilities for the City of Auburn.

Community Concepts Inc. (CCI)

Community Concepts Inc., and their subsidiary Community Concepts Finance Corporation, provides homebuyer educational services and home loans through our dedicated homeownership center. These programs, as well as the broader social services program which CCI provides as the predominant Community Action Program within the region, are available to residents of the proposed Winter Oaks community.

DRAFT

F. LEVERAGE EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit F: Leverage

i. Leveraged funding & Non-Financial Contributions

City Funding Sources:

The City of Auburn has committed both City funded staff time as well as HUD CDBG & HOME entitlement funds as leveraged funding as evidenced within the HUD 424-CBW to advance this project. Additional city funds for the continuation of operational subsidies come in the form of Tax Increment Finance (TIF) project costs.

Developer Funding Sources:

The developer has secured private financing lines to facilitate the initial construction expenses. Developer contribution comes in the form of program income from the sale of single-family residents & duplexes to income qualifying buyers. This funding is possible due to funding pledges by Androscoggin Savings Bank to provide culturally appropriate mortgage products to qualified buyers.

Additional developer funding resources, as evidenced by the support letter from Maine State Housing Authority, include state funded Low Income Tax Credit & Affordable Homeownership Development programs.

Child-Care Funding Sources:

The YMCA of Auburn-Lewiston has pledged up to $60,000 in licensing, staff training and initial start-up costs to provide subsidized childcare on-site to income qualifying residents.

DRAFT

G. LONG-TERM EFFECT EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit G: Long-Term Effect

i. Permanent, Long-Term & Outcomes

The long-term effects and outcomes of such a project are multifaceted, encompassing social, economic, environmental, and equity-related dimensions. By prioritizing diversity, inclusion, and sustainability, this development can create a thriving, equitable, and interconnected community that benefits residents and sets a positive example for future endeavors in the region. These positive impacts include, but are not limited to:

Diverse and Inclusive Community: Over time, the project can foster a diverse and inclusive community where residents from various racial, ethnic, and economic backgrounds live together harmoniously. This diversity enriches the social fabric of the community, promotes cross-cultural understanding, and reduces the risk of segregation.

Reduced Housing Disparities: The project can reduce housing disparities based on income and race by providing a range of housing options and affordability measures. Over the long term, this can help address historical inequalities in housing access and affordability.

Enhanced Quality of Life: Access to public art, walking trails, conservation land, and recreational spaces within the development can improve residents' quality of life. Over time, access to these amenities can lead to healthier, more active, and happier residents.

Education and Awareness: The outdoor environmental learning facility can serve as a hub for environmental education and equity awareness. Over time, this can lead to a more environmentally conscious and socially responsible community.

Positive Economic Impact: A thriving mixed-use development can have a positive economic impact on the surrounding area. As the development attracts residents and businesses, it can stimulate economic growth, create job opportunities, and increase property values.

Strong Community Connections: Over time, the project can facilitate strong community connections and social cohesion. Residents may become actively engaged in local initiatives, leading to a more resilient and empowered community.

Equitable Access to Opportunities: The project's commitment to fair housing and racial equity ensures that all residents have equitable access to opportunities, including education, employment, and recreation, ultimately contributing to improved social mobility and community well-being.

Model for Future Projects: The success of this project in affirmatively furthering fair housing and racial equity can serve as a model for future developments in the region. Other developers and communities may seek to replicate the project's inclusive approach.

DRAFT

ORDER 141-10232023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby directs the city manager to execute all documents necessary to apply for the Pathways to Removing Obstacles to Housing grant as released by the U.S. Department of Housing & Urban Development.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
November 6, 2023
Auburn Hall, Council Chambers

7:00 P.M. City Council Meeting

Moment of Silence and In Memoriam

Call to Order - Roll call votes will begin with Councilor Morin

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 142-11062023
Appointing Warden's and Ward Clerks for the Nov. 7, 2023 Election.

II. Minutes
- October 16, 2023 Regular City Council Meeting
- October 23, 2023, Special City Council Meeting

III. Communications, Presentations and Recognitions
- Communication – Special Event/Mass Gathering Application for New Year's Eve Auburn Event
- Public Safety Wellness Program – Police Chief Jason Moen and FIre Chief Robert Chase
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Ordinance 22-10162023
Amending the Auburn Zoning Ordinance – Minimum Dwelling Size. Public hearing and second reading.

2. Ordinance 23-10162023
Amending the Auburn Zoning Map, Area B change, from UR, SR, and LDCR to T4.2B. Public hearing and second reading.

3. Public hearing - Miller Street Discontinuance.

VI. New Business

1. Order 143-11062023
Approving the discontinuance of Chestnut Street.

2. Order 144-11062023
Amending the Downtown Omnibus TIF #10. Public hearing and vote.

3. Order 145-11062023
Allocating $10,000.00 from ARPA (American Rescue Plan Act) funds to Rebuilding Together Lewiston/Auburn who will make necessary repairs to homes of those financially unable to do so.

4. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

5. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 6, 2023 **Order:** 142-11062023

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the November 7, 2023 Election.

Information:

Warden and Ward Clerk Appointments are normally made every two years, however, there have been vacancies and challenges filling these positions. The City Clerk has nominated the individuals below to fill the Warden and Ward Clerk vacancies for the November 7, 2023 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Paul Ouellette – Warden
Doreen Jordan – Warden
Alice Dill – Ward Clerk
Miles Smith – Warden
Sue Martin – Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Appointments are made every two years or when there is a vacancy.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 142-11062023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints the following to serve as Wardens & Ward Clerks for the November 7, 2023 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Paul Ouellette – Warden
Doreen Jordan – Warden
Alice Dill – Ward Clerk
Miles Smith – Warden
Sue Martin – Ward Clerk

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING OCTOBER 16, 2023, VOL. 37 PAGE 88

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items – None

II. Minutes - September 18, 2023, Regular City Council Meeting

Motion was made by Councilor Hawes and seconded by Councilor Staples to approve the minutes of the September 18, 2023, Regular City Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Recycling Update – Phil Crowell, City Manager
- Proclamation - Extra Mile Day – Mayor Levesque proclaimed November 1, 2023, as Extra Mile Day in Auburn and presented David Griswold with a plaque and recognized him for his volunteerism and for going the extra mile for the community.
- Council Communications (about and to the community)

Councilor Hawes announced that Saturday, October 21st the Auburn Fire Department will be holding an open house from 10:00am to 1:00pm. He encouraged the public to attend.

Councilor Walker announced that on October 29th at 1:00 pm in Anniversary Park there will be a Trick or Treat event with free candy for the kids.

Councilor Staples thanked staff for performing the recent walk audits led by Jonathan LaBonté adding that a report should be coming soon. He thanked staff for putting on the Shops at Anniversary Park, he reported that he has been working with the Sustainability Working Group and the Sustainability and Natural Resource Management Board (SNRB) to discuss recycling and he thanked the City Manager for his work on that, and last, he stated that the Androscoggin Land Trust had a clean-up event along the river which he participated in. He stated that it was a great community event.

Mayor Levesque announced that the organization Bipartisan Policy Center in Washington, DC has just recognized Auburn, Maine and did a nationwide case study called Small City Zoning Reforms in Auburn Maine adding that this is a testament of the good work of the council and staff.

City Manager Crowell announced that a Truck or Treat event is coming to the Public Works building on October 26th from 5:00 – 7:00pm, and the Pal Center will be running a haunted house on October 31st.

IV. Open Session

Elizabeth Dunn, 530 Court Street, commented on the vote taken at the last City Council meeting that exempted area A2 of New Auburn from the T-4.2B ordinance.

TJ Cassiello, 225 Vickery Road, stated that he and his wife moved here recently from Boston, stating that we are doing the same thing that was done in Boston which has become what he called an "overcrowded disaster area". He is opposed to building the proposed complex adding that they want to live in the country with land and does not want this.

V. Unfinished Business

Motion was made by Councilor Gerry and seconded by Councilor Morin to suspend the rules to move three items (Orders 133-10162023 through 135-10162023) from new business and to act on before the unfinished business.

Passage 7-0.

Order 133-10162023
Allocating $10,317.00 from the American Rescue Plan Act (ARPA) funds to the Auburn Ski Association to purchase an alpine ski timing system.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 7-0.

Order 134-101620023
Allocating $10,000 of American Rescue Plan Act (ARPA) funds to the Edward Little High School Outdoor Club.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage.

Public comment - Joe Mailey, 82 Webster Street, asked why isn't this part of the school budget, and is this a one-time deal, and what happens when the ARPA funds are no longer available?

Passage 7-0.

Order 135-10162023
Allocating $10,000.00 from the American Rescue Plan Act (ARPA) funds to Special Olympics Maine to be the "Presenting Sponsor" for the "Special Olympics Maine Winter Games 2024" to be held at Lost Valley in February 2024.

Motion was made by Councilor Walker and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 7-0.

1. **Order 115-09052023**
Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

Motion was made by Councilor Walker and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Motion was made by Councilor Staples, seconded by Councilor Gerry to amend to include the conditions recommended by staff.

1. Any vehicle containing fluids or batteries shall only be stored or dismantled within the area shown as "Storage of vehicles w/fluids + batteries limited to this area" on an aerial map entitled "940 Washington Street – 2012 Flood Plain Zones – 2013 Aerial" (the "Compliance Plan"), on file in the City's Planning and Permitting Office, and in no event shall any vehicle containing fluids or batteries be stored or dismantled within 100 feet of the normal high water line of the Little Androscoggin River.
2. No vehicles or junk shall be stored or dismantled within 50 feet of the normal high water line of the Little Androscoggin River.
3. Tires shall be stored at least 100 feet from the normal high water line of the Little Androscoggin River, except that if tires are maintained within a fenced enclosure of sufficient height and durability to contain the tires within the enclosure, they may be stored more than 50 feet but less than 100 feet from the normal high water line of the Little Androscoggin River.
4. The used car display area shall be limited to the area of the premises that is located north of the rectangular building shown on the Compliance Plan.
5. The driveway entrance to the premises and exit onto Washington Street North shall at all times be kept free and clear of dust and debris so that dust and debris is not tracked onto Washington Street North or any other public street.
6. Licensee shall cooperate with the City's Director of Planning and Permitting or their designee, who is to conduct inspections of the premises for compliance with (a) these conditions, (b) Sec. 14-74(c) of the Code of Ordinances, and (c) 30-A M.R.S. § 3751 *et seq*. no less frequently than quarterly. If any violations are observed as a result of such an inspection, they shall be communicated to the licensee for immediate remediation and, if not immediately remediated, to the City Council for potential suspension or revocation proceedings.

Passage 7-0.

Passage of Order 115-10162023 as amended, 7-0.

2. **Ordinance 20-09182023**
Amending Chapter 24, Article II, Division 1, Sec. 24-33 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits. Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public hearing – No one from the public spoke

Passage 7-0. A roll call vote was taken.

3. **Ordinance 21-09182023**
Amending the Code of Ordinances, Chapter 14, Article XVIII Adult Use and Medical Marijuana Business licensing. Public hearing and first reading.

Motion was made by Councilor Hawes and seconded by Councilor Staples for passage.

Public hearing – Hanna King represents Alzie and Mr. fishman, spoke at the last meeting objecting to the retroactive criteria provision of this proposed ordinance.

Passage 4-3 (Councilors Milks, Morin, and Walker opposed). A roll call vote was taken.

4. **Public hearing** - Partial discontinuance of Chestnut Street

Mayor Levesque opened the public hearing at 7:52 pm.

Joe Mailey, 82 Webster Street spoke in opposition of the discontinuance and stated that he doesn't think there has been enough input from the general public.

Stephen Beal, 575 Johnson Road, spoke neither for nor against but stated that he feels it is a public safety concern if they do close the street and he feels that a traffic or safety study should be done.

Mayor Levesque closed the public hearing at 7:57 pm.

5. **Public hearing** - Discontinuance and re-alignment of Miller Street

Mayor Levesque opened the public hearing at 7:57 pm.

Wiliam Turner, Chicoine Ave, also owns a building on Miller Street, stated he had no issue with realignment, however he had concerns regarding parking.

Mayor Levesque closed the public hearing at 7:59 pm.

VI. New Business

1. **Public hearing** - CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2022.

   Mayor Levesque opened the public hearing at 7:59 pm.

   No one from the public spoke.

   Mayor Levesque closed the public hearing at 7:59 pm.

2. **Ordinance 22-10162023**
   Amending the Auburn Zoning Ordinance – Minimum Dwelling Size. First reading.

   Motion was made by Councilor Staples and seconded by Councilor Whiting for passage.

   Public comment – Joe Mailey, 82 Webster Street asked why the size of a dwelling is an issue.

   Passage 7-0. A roll call vote was taken.

3. **Ordinance 23-10162023**
   Amending the Auburn Zoning Map, Area B change, from UR, SR, and LDCR to T4.2B. First reading.

   Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

   Public comment – Kate, 225 Vickery Road, spoke in opposition of the change.

   Pam Rousseau, 745 West Auburn Road, spoke in opposition of this amendment.

   Failed 1-5-1 (Councilors Gerry, Whiting, Milks, Morin, and Staples opposed, Councilor Walker abstained). A roll call vote was taken.

4. **Order 131-10162023**
   Authorizing the issuance of General Obligation Bonds and Tax Levy Therefor, for the proposed Public Safety Building. Public hearing and first reading. **Requires an affirmative vote of five.**

   Motion was made by Councilor Hawes and seconded by Councilor staples for passage.

   The Mayor opened the public hearing at 8:19 pm.

Joe Mailey, 82 Webster Street stated that issues like this should have been addressed publicly long before absentee voting began.

The Mayor closed the public hearing at 8:21 pm.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken.

5. **Order 132-10162023**
Authorizing the City Manager to execute a modified contract with Casella to reinstate curbside recycling.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 7-0.

6. **Order 136-10162023**
Allocating up to $5,000.00 from the American Rescue Plan Act (ARPA) funds to provide public safety costs (Police and EMS services) associated with Special Olympics Maine Winter Games 2024" to be held at Lost Valley in February 2024.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment - No one from the public spoke.

Passage 7-0.

VII. Open Session – Joe Mailey, 82 Webster Street, commented on property in his neighborhood that is storing unregistered cars in his yard and looks like a scrapyard. He said he would like the city to do something.

Ryan smith, 14 weaver street, commented on the recycling program.

VIII. Reports – There were no reports.

IX. Executive Sessions

- **Economic development, pursuant to 1 M.R.S.A. §405(6)(C)** which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Walker and seconded by Councilor Hawes to enter into executive session regarding an Economic development matter, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Passage 7-0. Time in 8:33 pm.

Council was declared out at 8:42 pm.

- **Economic development, pursuant to 1 M.R.S.A. §405(6)(C)** which premature disclosure would prejudice the competitive or bargaining position of the City.

  Motion was made by Councilor Walker and seconded by Councilor Gerry to enter into executive session regarding an Economic development matter, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

  Passage 7-0. Time in 8:43 pm.

  Council was declared out at 8:55 pm.

- **Personnel matter, pursuant to 1 M.R.S.A. §405(6)(A)**

  Motion was made by Councilor Morin and seconded by Councilor Walker to enter into executive session regarding a personnel matter, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

  Passage 7-0. Time in 8:55 pm.

  Council was declared out at 9:20 pm.

X. Adjournment

Motion was made by Councilor Hawes seconded by Councilor Staples to adjourn.

Unanimously approved and the meeting adjourned at 9:20 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

IN COUNCIL SPECIAL MEETING OCTOBER 23, 2023, VOL. 37 PAGE 95

Mayor Levesque called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Hawes had an excused absence. All other Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 137-10232023***
   Re-appointing Timothy Cougle to the Parks & Recreation Advisory Board with a term expiration of 10-01-2025.

2. **Order 138-10232023***
   Appointing Julia Bergeron-Smith to the Parks & Recreation Advisory Board with a term expiration of 10-01-2025.

3. **Order 139-10232023***
   Re-appointing Celia McGuckian to the Auburn Housing Authority Board of Trustees with a term expiration of 10-01-2028.

4. **Order 140-10232023***
   Appointing Jonathan LaBonté to the Airport Board with a term expiration of 01-01-2026.

   Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

   Passage 6-0.

II. **Communications, Presentations and Recognitions**
- Recognition of Dan Campbell, the 2023 recipient of The John Jenkins Hands & Hearts Leadership & Service Award-3rd Annual Award.
- September Finance Report – Jill Eastman, Finance Director

Motion was made by Councilor Walker and seconded by Councilor Milks to accept and place on file the September Finance Report.

Passage 6-0.

Councilor Whiting commented on role models such as John Jenkins and Dan Campbell. He then apologized for his behavior at the last meeting.

Councilor Milks read a letter that he would like to be included in the minutes.

To the People of Auburn,

Over the past four years, I served as the Mayor's appointee to the Board of Trustees for the Auburn Water and Sewer District. I was elected President of the Board in 2021 and serve as President today. I've been immersed in the issues of the Lake for 4 years, seen countless briefings from many experts and read the studies. This report is not a legal opinion, nor does it address any legal proceedings. My goal is to state facts and give my assessment to Council.

FACTS:

- *Auburn Water District received great evaluations recently from the Drinking Water Program. Operationally, AWD is functioning very well and in total compliance with all Federal and State rules and regulations. We have an extensive testing and monitoring system that monitors the lake daily, weekly, monthly and yearly.*
- *The water quality problems have nothing to do with current zoning or ordinance revision ideas.*
- *Lake Auburn is a small, shallow lake. The water quality fluctuates due to the weather much more than Sebago Lake for example.*
- *The majority of things causing water quality issues in the lake are already there. Much of it is from storm runoff due to improper logging, unusually heavy rains, phosphorus loading from upper water shed towns like Turner and shorter iced over periods in recent years. The bottom of Lake Auburn is full of the mineral Apatite which naturally releases phosphorus which causes quality problems.*
- *Water quality issues in the lake have persisted for two decades and it was recommended to put in a filtration plant years ago.*
- *In 2012 a UV treatment plant was built to adhere to Tier 1 and Tier 2 requirements for the removal of Giardia and cryptosporidium. This was a cheaper solution than a filtration plant and requires UV and chemical treatment of the water.*
- *In 2018 the Lake experienced an algae bloom that resulted in taste and odor complaints with the water. An algaecide was applied to remove the algae and to improve the esthetics of the water. In 2019 an alum treatment was applied to the lake to strip the water column of phosphorus and reduce the potential of another algae bloom.*

The Gravel Pit

- *According to experts, the most dangerous thing for the lake is to leave the gravel pit a gravel pit and continue digging and blasting the bedrock.*
- *Hundreds of thousands of dollars have been spent on studies over the years. No study has shown the storm runoff water from the gravel pit flowing into the lake.*

- *The Gravel Pit has been there for over 50 years and is legal and in compliance with all regulations and zoning. AGRP, the Ag zone, allows for a gravel pit next to the lake.*
- *The sanitary sewer is at the street and available for any development.*
- *Any housing redevelopment of the gravel pit would require extensive civil and environmental engineering to address storm runoff containment systems and connection to the Sanitary Sewer System. There would be public hearings, planning board reviews and permitting requirements. The city could require greenspace, walking trails and other recreational opportunities accessible to the People of Auburn*
- *The recent AD Hoc Committee which included the City of Lewiston Water Director, Lewiston LAWPC Representative, AWD Superintendent, AWD Trustee President, and Turner LAWPC representative agreed with the things the City of Auburn has proposed to Protect the lake like the proposed septic ordinance and the passed LID standards to protect Lake Auburn.*

Councilor Milks Assessment:

AWD Superintendent Broadbent is doing a phenomenal job maximizing AWD and LAWPC resources, coordinating with Lewiston officials and constantly looking to improve how AWD delivers water to the rate payers. The AD Hoc committee is a perfect example of his initiative.

The owner of the gravel pit would like to build a housing development on the site of the gravel pit. Based on all the factors, that is our best-case solution for the gravel pit. The development would be on the sanitary sewer and would have extensive engineering to secure the site and prevent any future storm runoff into the lake. It would most likely be a TIF district which would allow us to capture revenue for the Public Safety building and would have other amenities available to the people of Auburn like green space and walking trails. A development would allow us to secure the gravel pit, like we have the two dumps next to the gravel pit.

Additionally, AWD is exploring other options for water, like putting the intake into deeper water where the quality tends to be more consistent, and exploring alternative water sources should we be forced to put in a filter plant or if a disaster strikes the lake.

There are several interlocal agreements between Auburn and Lewiston that should have been renegotiated years ago.

In summary, the proposed ordinance revisions and watershed boundary changes will make a positive impact on the Lake. These changes will allow for responsible development that could reduce Auburn's impact to Lake Auburn. These improvements will then be needed in the upper watershed towns to continue to reduce the phosphorus loading on the lake. Despite all of these positive initiatives, we need to start planning for filtration. Given the vulnerability of the Lake and the environmental factors that are out of our control we need to start planning.

III. Unfinished Business

1. **Order 131-10162023**
   Authorizing bonds for the Public Safety Building. Second reading.
   Requires an affirmative vote of five.

   Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

   Public comment – No one from the public spoke.
   Passage 5-1 (Councilor Gery opposed).

IV. New Business

1. **Order 141-10232023**
   Directing the City Manager to execute all documents necessary to apply for the PRO Housing Grant.

   Motion was made by Councilor Gerry and seconded by Councilor Staples for passage.

   Public hearing - No one from the public spoke.

   Passage 6-0.

V. Adjournment

Motion was made by Councilor Staples and seconded by Councilor Walker to adjourn.

Unanimously approved and the meeting adjourned at 6:08 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

Date received: _____

Date approved: _____

CITY OF AUBURN
SPECIAL EVENT/MASS GATHERING APPLICATION

Required for any special event on city property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

****

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 10.31.2023

SPONSOR INFORMATION

Name of Sponsoring Organization: City of Auburn

Name of Contact Person for Event: Jennifer Boenig

Title of Contact Person: Downtown Coordinator

Mailing Address: 60 Court Street, Auburn, ME 04210

Daytime Telephone: 207.333.6601 ext.1132 Cell Phone: 207.576.5348

Email Address: jboenig@auburnmaine.gov

Contact Name and Cell Phone Number DURING the Event: Jennifer Boenig, 207.576.5348

Is your organization incorporated as a non-profit organization? Yes ☐ No ☐

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: New Year's Auburn

Type of Event (walk, festival, concert, etc.): festival

Date of Event: Sunday, December 31, 2023 Rain Date: na

Times of Event: Start Time including set-up: 9 AM Ending time including clean up: 12A

Actual Event Start Time: 3 PM Actual Event End Time: 9 PM

Estimated Attendance: 4,500 people

Location of Event: Festival Plaza and Main Street

Have you held an event at this location within the last 12 months? Yes ☑ No ☐

If the location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved?

Yes ☐ No ☐ Pending ☐ Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Not permitted	**CROSS-STREET BANNERS** Please note that the city no longer allows cross-street banners.			
Separate fee and permit possible	**FOOD** – Will food or beverages be sold? If yes, list what types of food or beverages: Auburn licensed food trucks and vendors will be selling food. Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	☑	☐	☐
Separate fee and permit possible	**NON-FOOD ITEMS** – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: possible band merch for sale. Note - A peddler permit may be required and must be submitted 14 days prior to the event.	☐	☐	☑
N/A	**LIVE MUSIC** – Will there be any outdoor musical performances? If yes, please describe: 3 bands will be taking the stage.	☑	☐	☐
N/A	**SOUND AMPLIFICATION** – Will there be a microphone or speaker system to project sound?	☑	☐	☐
Separate fee and permit possible	**ALCOHOL** – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	☑	☐	☐
Separate fee and Permit required	**CARNIVAL** – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	☐	☑	☐
Separate fee and Permit required	**FIREWORKS** – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	☑	☐	☐
N/A	**PARADE** – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	☐	☑	☐
N/A	**RUN/WALK/CYCLE** – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route:	☐	☑	☐
Separate permit required	**BURN PERMIT** – Will there be any open flame such as a bonfire? If yes, describe activity: Note - A permit from the Fire Department is required.	☐	☑	☐

N/A	**TENT/CANOPY** – Will you be setting up a tent or canopy? If yes, list number and sizes: three 20x40 tents in the plaza along with some 10x10 ez-ups; covered stage	☑	☐	☐
Separate fee and permit required	**ELECTRICAL POWER/EQUIPMENT** – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? sound, audio production equipment provided by HPA Productions	☑	☐	☐
N/A	**ROAD/INTERSECTION CLOSURE** – Will any roads need to be closed to accommodate your event? If yes, please list: Main Street from Miller Street to Court Street, hard closures with PW trucks.	☑	☐	☐
N/A	**MAP/DIAGRAM** – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	☑	☐	☐
N/A	**PARKING ACCOMODATIONS** – What will be the anticipated need for parking and what is your parking plan? 131 Main Street and city parking garage	☑	☐	☐
N/A	**TOILETS** – Please list amount at event and/or nearest location: 12 portable toilets inside the alcohol permitted area.	☑	☐	☐
N/A	**WASTE DISPOSAL** – Please list process and location: 12 trash cans throughout the plaza and Main Street	☑	☐	☐
N/A	**HAND WASHING FACILITIES** – Please list amount at event and/or nearest location: portable toilets and hand sanitizer available at food & beer vendors and entry points.	☑	☐	☐
N/A	**POTABLE WATER** – Please list amount at event and location: bottled water in pump house	☐	☑	☐
N/A	**FIRST AID FACILITIES** – Please list location at event: Auburn Fire on-site	☑	☐	☐
$	**TOTAL FEE INCLUDED** – Checks payable to "City of Auburn"			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc., the city requires general liability insurance coverage. The **City of Auburn** is to be named as "additionally insured" for the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed on the Certificate of Insurance (minimum coverage $1,000,000 Bodily Injury or Death, per occurrence, and $300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

New Year's Auburn is a free community event, celebrating the new year with live music, local craft brews, food trucks, fireworks and fun in the heart of downtown Auburn.

Signature of Applicant: Jennifer Boenig Printed Name: Jennifer Boenig Date Submitted: 10-31-23

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

******FOR STAFF USE******

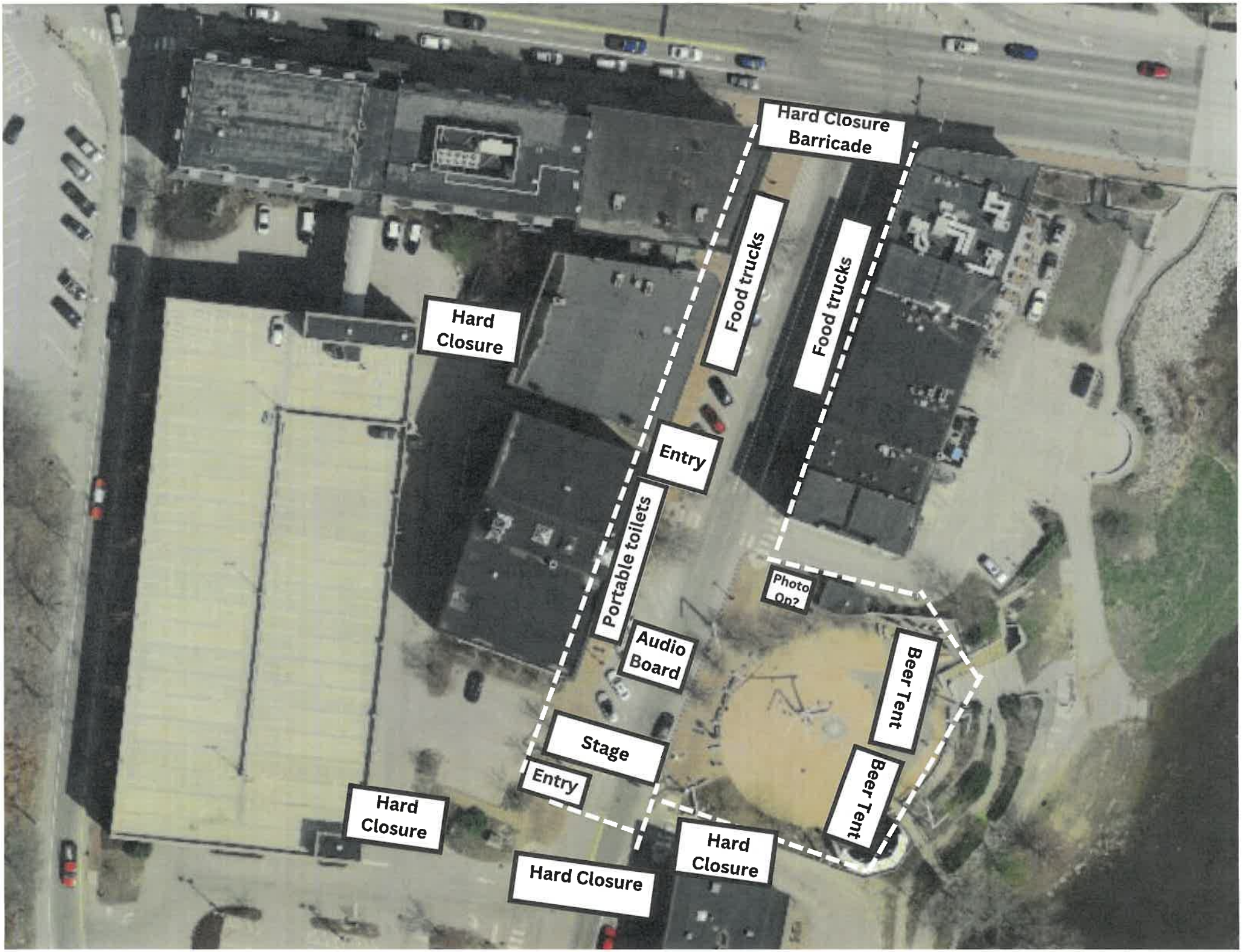
DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied:_____ Date applicant notified: _____


Hard Closure Barricade
Food trucks
Food trucks
Hard Closure
Entry
Portable toilets
Photo Op?
Audio Board
Beer Tent
Stage
Entry
Beer Tent
Hard Closure
Hard Closure
Hard Closure

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 6, 2023 **Ordinance:** 22-10162023

Author: John Blais, Deputy Director of Planning and Permitting

Subject: Second reading on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

---

Information: This text amendment proposes to close the gap between 401 square feet and 699 square feet in size which are not permitted in the City of Auburn and differentiates minimum sizes between detached dwelling units and accessory dwelling units. The minimum dwelling size in Auburn is currently 700 square feet. However, tiny houses are also allowed and defined as being 400 square feet or less. This means that there is currently no allowance for homes between 400 and 700 square feet. At the 10/10/2023 planning board public hearing the board forwarded a positive recommendation to the Council supporting the proposed changes to amend the 700 square feet requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade and an accessory dwelling unit must be at least 190 square feet in area above grade as specified in state law. The proposed change differentiates between a one family detached dwelling and an accessory building. The planning board requested that section 60-2 Definitions- number two read that each one-family detached dwelling unit must be at least 400 square feet above grade in size. Staff made that change in the draft ordinance to reflect this request in the ordinance language provided for your review in this first and now second reading. The planning board also recommended allowing for the minimum size of dwelling units and accessory dwelling units in Auburn to change if the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard. The text change itself is attached to the ordinance accompanying these materials.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council adopt the Second reading of this ordinance text change.

Previous Meetings and History: August 8, 2023- planning board workshop; September 12, 2023- planning board workshop; October 10, 2023- planning board public hearing (in-favor 7-0), council meeting, October 16 (in-favor 7-0).

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Ordinance, recommendation to city council, planning board staff report, zoning text amendment sec. 60-2, state rules for LD 2003 and 1706 redlined version, research for planning board questions.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions
Date: 10/16/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on October 10, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ZONING TEXT AMENDMENT: Amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet. This item was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND:** Darren Finnegan seconds.

"I make a motion to recommend sending forward a positive recommendation to council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. For an **accessory dwelling unit**, an accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling. I would also request that section 60-2 Definitions-number two read 'each one family detached dwelling unit must be at least 400 square feet above grade in size and an accessory detached dwelling unit must be 190 square feet above grade in size, unless the technical building code and standards board pursuant to 10 M.R.S. §9722, adopts a different minimum standard if so, that standard applies.'" **VOTE:** 7-0-0 motion passes.

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

I. *Dwelling, one-family attached,* means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. ~~Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~ Each one-family attached accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

II. *Dwelling, one-family detached,* means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. ~~Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~ Each one family detached dwelling unit must be at least 400 square feet above grade in size, and~~,~~ an accessory detached dwelling unit must be 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 400 or more square feet and~~and are 700 or more square feet, and~~ which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Is To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

Date: October 10, 2023

I. **PROPOSAL**: Currently, the existing ordinance definition requires a minimum of 700 SF of net floor space for single-family attached and detached dwelling. State Law (Chapter 219, Sec 1. 30-A MRSA §4363), provides provisions for tiny homes with no minimum size of up to 400 square feet. However, this leaves a gap in the allowable size of new dwelling units, where units ranging from 401 to 699 SF are in what is considered a "void in allowance" and is currently not allowed. Planning Board at the August 10, 2023, meeting requested additional clarifying information to include the following:

A. Tiny Home Statute and Guidance from the State Fire Marshall
B. Density; Remains the same, but could see increase as LD 2003/1706/Chapter 5
C. Lending Specialist (Value vs. Square Footage)
D. Adopted Language by Department of Economic and Community Development LD 2003/1706/Chapter 5

On the September 12, 2023, workshop, planning board asked to identify both accessory dwelling size and dwelling size to provide guidance for revised minimum standards that meet requirements under the tiny home provision and banking standards.

A. A tiny house has two potential types of tiny homes; constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a "dwelling unit for human occupancy" or constructed on a site in a more traditional stick-built manner but meeting certain size standards established in the laws and codes adopted. Maximum size is 400 SF. Construction is regulated under two standards; If the tiny home is constructed on a frame or chassis, it is considered within the motor vehicle regulations and will require a title similar to an RV intended for use in public ways. This unit construction type is regulated by ANSI A119.5 or NFPA 1192.
The second type of tiny home would be a structure constructed under the same codes standards as a larger, more traditional dwelling on a foundation, but still meeting size requirements of less than 400 SF This unit construction is identified in the Maine Uniform Building and Energy Code (MUBEC) rules under the International Residential Code (IRC), Chapter 5.

B. Density is dependent upon the underlying zone, but LD 2003 and 1706 suggest the following language under the Department of Economic and Community Development guidelines under chapter 5. Dwelling Unit Allowance

If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. Ch. 423-A, and is:

i. Located within a designated growth area consistent with 30-A M.R.S. §4349 A(1)(A)-(B); or

ii. Served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

C. Lending Rules and Value per Assessing/Appraiser: As a rule, lenders **will not mortgage** the typical dwelling that has a foundation and is stick built between 190 livable square feet (SF) and 500 SF as per the general lending rules followed by the banks underwriting team. They currently are not financing any home smaller than 500 SF. For lower income home buyers who utilize Maine State Housing Agency, (MSHA) won't finance smaller than 500 sq ft and most banks follow their policy since they do quite a few MSHA loans. In addition, for any purchase where the buyer can't put 20% down the loan will need Private Mortgage Insurance (PMI) and the insurers have a minimum home size of 500 sq ft.
The typical RV intended tiny home that can be towed over the road will never be considered as separate mortgage, some tiny homes are being financed through home equity lending practices.

The appraisal does consider value in the finished basement but does not consider it actual SF therefore the value is diminished some. The lending institutions, as a rule would write a mortgage for a 500 SF home regardless of if part of the finished space is below grade if the home meets all the ordinance, building code and utility requirements.

D. D. REF: Chapter 5, An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. To note: LD 2003/1706/Chapter 5 is silent on where the 190 SF is derived from the basement or above grade. The municipality has discretion to determine whether to consider finished basements as part of that 190 SF.

As this smaller home movement gets momentum and policies at state and insurer level are updated, staff is guessing banks will make changes too, therefore is suggesting 190 SF above grade for minimum Square Feet.

II. **PLANNING BOARD ACTION/STAFF SUGGESTIONS:** Staff suggest a planning board discuss the proposals and hold a public hearing. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an **accessory dwelling unit** of 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling.

STATE OF MAINE
Department of Public Safety
Office of State Fire Marshal
52 State House Station
Augusta, ME 04333-0052

JANET T. MILLS
GOVERNOR

MICHAEL SAUSCHUCK
COMMISSIONER

JOSEPH E. THOMAS
STATE FIRE MARSHAL

Tiny House – Code and Land Use Standards
February 8, 2022

Tiny Houses have been included in several recent Maine laws that impact the construction and placement of such homes in the State. This memo is to provide clarification to Code Officials on code and land use standards associated.

WHAT IS A TINY HOUSE - There are two potential types of tiny home:

- constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a "dwelling unit for human occupancy".
- constructed on a site in a more traditional stick-built manner, but meeting certain size standards established in the laws and codes adopted.

Tiny Homes is defined in Statute as:

80-C. Tiny home. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:
A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles; [PL 2019, c. 650, §1 (NEW).]
B. Does not exceed 400 square feet in size; [PL 2019, c. 650, §1 (NEW).]
C. Does not exceed any dimension allowed for operation on a public way under this Title; and [PL 2019, c. 650, §1 (NEW).]
D. Is a vehicle without motive power. [PL 2019, c. 650, §1 (NEW).]
"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.
[PL 2019, c. 650, §1 (NEW).]

As defined, this applies to those constructed on a frame or chassis and considered within the Motor Vehicle regulations and will require a TITLE similar to an RV or other motor vehicle intended for use on public ways. This would assume that the unit would be constructed to and inspected to standards in ANSI A119.5 or NFPA 1192. These standards contain many regulations that address all components of the unit associated with a mobile unit served by

interior plumbing, heating, cooking, and living to be used as living quarters. This type of construction's interior layout, structural or rough in are not the responsibility of the LPI/Code Officer. These items will be covered under the titling requirements as identified above. The only task of an LPI/CEO is to assess the placement relative to local zoning and connection to on-site systems and utilities.

The second type of tiny home would be a structure constructed under the same codes and standards as a larger, more traditional dwelling and on a foundation, but still meeting the size limitation of less than 400 SF. This is identified in the MUBEC rules under the IRC (Chapter 5) which would be allowed the use of Appendix V (attached.) Appendix V provides some code exceptions that have been approved to accommodate the limited size and deemed to provide an acceptable level of safety for the occupants. This type of construction would be subject to all other utility codes adopted by the State of Maine, to include but not limited to, the Maine Internal Plumbing code, State Electrical codes and Fuel Gas codes.

The result of both types provides a completed unit intended for permanent occupancy and would be considered as a Single-Family Dwelling. In both cases, the units would be subject to all normally required on-site facilities and associated utilities to provide for permanent occupancy. This would include the provisions for connection to a potable water supply, sanitary facilities and any required utilities to provide for the safety of the occupants of the unit or structure. This would include compliance with appropriate municipal connections or on-site sanitation and drinking water.

As a result of confusion on placement of tiny homes relative to local zoning, the most recent legislation (below) addresses the issue. Tiny homes are now to be considered as permanent dwelling units subject to the same local zoning regulations as other single-family dwellings. The intent was to provide definition of the use of tiny homes. As stated in statute, all other aspects of local zoning would apply equally to tiny homes.

Please note that other questions about the new law relative to the condition of a home or its placement, may arise in the future, but the only significant change is to the recognition that either type should be considered the same as any other primary single family dwelling. The features of the structure regarding size and construction would be subject to the codes and standards above, but placement on site is based on your local zoning ordinance relative to setbacks and lot size. Before a community is asked to grant a permit for a tiny home you should consult with your local attorney relative to your specific ordinances and any further limitations they may contain.

This memo is intended for informational purposes only and should not be considered a legal opinion.

OFFICES LOCATED AT: 45 COMMERCE DRIVE, SUITE 1, AUGUSTA, MAINE 04330
(207) 626-3870 ADMINISTRATION/ INVESTIGATIONS (207) 287-3659 TDD
(207) 626-3880 INSPECTIONS/ PLANS REVIEW (207) 287-6251 FAX

H.P. 1134 - L.D. 1530

An Act To Allow People To Live in Tiny Homes as a Primary or Accessory Dwelling

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4363 is enacted to read:

§4363. Regulation of tiny homes

1. Definition. For the purposes of this section, "tiny home" has the same meaning as in Title 29-A, section 101, subsection 80-C.

2. Location of tiny homes. A municipality shall permit a tiny home to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure.

Below is the ADOPTED language from Chapter 5 of the Maine Uniform Building and Energy Codes to address specific exceptions related to the construction of Tiny Homes meeting the statute noted above:

2015 International Residential Code
APPENDIX V TINY HOUSES
CHAPTER PART AV101— GENERAL
AV101.1 Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.
CHAPTER PART AV102— DEFINITIONS
AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.
EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.
LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.
LOFT. A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.
TINY HOUSE. A dwelling that is 400 square feet (37 m) or less in floor area excluding lofts.
CHAPTER PART AV103— CEILING HEIGHT
AV103.1 Minimum ceiling height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.
Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).
CHAPTER PART AV104— LOFTS
AV104.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.
AV104.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m).
AV104.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.
AV104.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.
2
2
Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.
AV104.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections AV104.2.1 through AV104.2.4.
AV104.2.1 Stairways. Stairways accessing lofts shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5.
AV104.2.1.1 Width. Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).
AV104.2.1.2 Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.
AV104.2.1.3 Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:
1. The tread depth shall be 20 inches (508 mm) minus 4/3 of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus 3/4 of the tread depth.
AV104.2.1.4 Landing platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.
AV104.2.1.5 Handrails. Handrails shall comply with Section R311.7.8.
AV104.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with Section R312.1.

IBC 2015

1208.2 Minimum ceiling heights. Occupiable spaces, *habitable spaces* and *corridors* shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family *dwellings*, beams or girders spaced not less than 4 feet (1219 mm) on center shall be permitted to project not more than 6 inches (152 mm) below the required ceiling height.
2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
3. The height of *mezzanines* and spaces below *mezzanines* shall be in accordance with Section 505.1.
4. Corridors contained within a *dwelling unit* or *sleeping unit* in a Group R occupancy shall have a ceiling height of not less than 7 feet (2134 mm).

1208.2.1 Furred ceiling. Any room with a furred ceiling shall be required to have the minimum ceiling height in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

ADU- Single & DUPLEX

1208.3 Room area. Every *dwelling unit* shall have no fewer than one room that shall have not less than 120 square feet (11.2 m^2) of *net floor area*. Other habitable rooms shall have a *net floor area* of not less than 70 square feet (6.5 m^2). = 190SF

Exception: Kitchens are not required to be of a minimum floor area.

1208.4 Efficiency dwelling units. An efficiency living unit shall conform to the requirements of the code except as modified herein:

1. The unit shall have a living room of not less than 220 square feet (20.4 m^2) of floor area. An additional 100 square feet (9.3 m^2) of floor area shall be provided for each occupant of such unit in excess of two.

Min 220SF for up to 2 people

2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

SECTION 1209
ACCESS TO UNOCCUPIED SPACES

1209.1 Crawl spaces. Crawl spaces shall be provided with not fewer than one access opening that shall be not less than 18 inches by 24 inches (457 mm by 610 mm).

1209.2 Attic spaces. An opening not less than 20 inches by 30 inches (559 mm by 762 mm) shall be provided to any *attic* area having a clear height of over 30 inches (762 mm). Clear headroom of not less than 30 inches (762 mm) shall be provided in the *attic* space at or above the access opening.

1209.3 Mechanical appliances. Access to mechanical appliances installed in under-floor areas, in *attic* spaces and on roofs or elevated structures shall be in accordance with the *International Mechanical Code*.

SECTION 1210
TOILET AND BATHROOM REQUIREMENTS

[P] 1210.1 Required fixtures. The number and type of plumbing fixtures provided in any occupancy shall comply with Chapter 29.

1210.2 Finish materials. Walls, floors and partitions in toilet and bathrooms shall comply with Sections 1210.2.1 through 1210.2.4.

1210.2.1 Floors and wall bases. In other than *dwelling units*, toilet, bathing and shower room floor finish materials shall have a smooth, hard, nonabsorbent surface. The intersections of such floors with walls shall have a smooth, hard, nonabsorbent vertical base that extends upward onto the walls not less than 4 inches (102 mm).

1210.2.2 Walls and partitions. Walls and partitions within 2 feet (610 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of not less than 4 feet (1219 mm) above the floor, and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

Exception: This section does not apply to the following buildings and spaces:

1. Dwelling units and sleeping units.
2. Toilet rooms that are not accessible to the public and that have not more than one water closet.

Accessories such as grab bars, towel bars, paper dispensers and soap dishes, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

1210.2.3 Showers. Shower compartments and walls above bathtubs with installed shower heads shall be finished with a smooth, nonabsorbent surface to a height not less than 72 inches (1829 mm) above the drain inlet.

1210.2.4 Waterproof joints. Built-in tubs with showers shall have waterproof joints between the tub and adjacent wall.

[P] 1210.3 Privacy. Privacy at water closets and urinals shall be provided in accordance with Sections 1210.3.1 and 1210.3.2.

[P] 1210.3.1 Water closet compartment. Each water closet utilized by the public or employees shall occupy a

80-C. Tiny home. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles; [PL 2019, c. 650, §1 (NEW).]

B. Does not exceed 400 square feet in size; [PL 2019, c. 650, §1 (NEW).]

C. Does not exceed any dimension allowed for operation on a public way under this Title; and [PL 2019, c. 650, §1 (NEW).]

D. Is a vehicle without motive power. [PL 2019, c. 650, §1 (NEW).]

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing

APPROVED
JUNE 16, 2023
BY GOVERNOR

CHAPTER
192
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 1095 - L.D. 1706

An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law requires, beginning July 1, 2023, all municipalities to allow a certain number of dwelling units under certain circumstances and the construction of accessory dwelling units on the same lot as a single-family dwelling unit and to comply with certain other zoning requirements; and

Whereas, it is the intent of this legislation to extend the implementation date for certain municipalities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4364, first ¶, as enacted by PL 2021, c. 672, §4, is amended to read:

For an affordable housing development approved on or after ~~July 1, 2023~~ the implementation date, a municipality with density requirements shall apply density requirements in accordance with this section.

Sec. 2. 30-A MRSA §4364, sub-§1, as enacted by PL 2021, c. 672, §4, is amended to read:

1. Definition. For the purposes of this section, "affordable housing development" means:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~

51% or more of the units ~~that the developer designates as affordable~~ in the development without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~ 51% or more of the units ~~that the developer designates as affordable~~ in the development without spending more than 30% of the household's monthly income on housing costs.

Sec. 3. 30-A MRSA §4364, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" means:

A. January 1, 2024 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

B. July 1, 2024 for all other municipalities.

Sec. 4. 30-A MRSA §4364, sub-§3, as enacted by PL 2021, c. 672, §4, is amended to read:

3. Long-term affordability. Before ~~approving~~ granting final approval of an affordable housing development, including but not limited to issuing an occupancy permit, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

Sec. 5. 30-A MRSA §4364, sub-§6, as enacted by PL 2021, c. 672, §4, is amended to read:

6. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel~~ of ~~land in accordance with~~ subchapter 4.

Sec. 6. 30-A MRSA §4364-A, sub-§1, as enacted by PL 2021, c. 672, §5, is amended to read:

1. Use allowed. Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which ~~housing is~~ residential uses are allowed, including as a conditional use, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing

dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality may allow more units than the number required to be allowed by this subsection.

Sec. 7. 30-A MRSA §4364-A, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" has the same meaning as in section 4364, subsection 1-A.

Sec. 8. 30-A MRSA §4364-A, sub-§2, ¶B, as enacted by PL 2021, c. 672, §5, is amended to read:

B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after ~~July 1, 2023~~ the implementation date is torn down and an empty lot results.

Sec. 9. 30-A MRSA §4364-A, sub-§3, as enacted by PL 2021, c. 672, §5, is amended to read:

3. General requirements. A municipal ordinance may not establish dimensional requirements ~~or~~, including but not limited to setback requirements, for dwelling units allowed under this section that are greater than dimensional requirements ~~or~~, including but not limited to setback requirements, for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.

Sec. 10. 30-A MRSA §4364-A, sub-§7, as enacted by PL 2021, c. 672, §5, is amended to read:

7. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel~~ of ~~land in accordance with~~ subchapter 4.

Sec. 11. 30-A MRSA §4364-A, sub-§10, as enacted by PL 2021, c. 672, §5, is amended to read:

10. Implementation. A municipality is not required to implement the requirements of this section until ~~July 1, 2023~~ the implementation date.

Sec. 12. 30-A MRSA §4364-B, sub-§1, as enacted by PL 2021, c. 672, §6, is amended to read:

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which ~~housing is~~ residential uses are permitted, including as a conditional use.

Sec. 13. 30-A MRSA §4364-B, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" has the same meaning as in section 4364, subsection 1-A.

Sec. 14. 30-A MRSA §4364-B, sub-§2, as enacted by PL 2021, c. 672, §6, is amended by amending the first blocked paragraph to read:

This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to ~~July 1, 2023~~ the implementation date.

Sec. 15. 30-A MRSA §4364-B, sub-§3, as enacted by PL 2021, c. 672, §6, is amended to read:

3. Zoning requirements. With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; ~~and~~

B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section ~~or section 4364-A~~, the lot is not eligible for any additional increases in density except as allowed by the municipality~~.~~; and

C. An accessory dwelling unit is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity.

Sec. 16. 30-A MRSA §4364-B, sub-§4, ¶B, as corrected by RR 2021, c. 2, Pt. A, §110, is amended to read:

B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of ~~July 1, 2023~~ the implementation date, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and setback requirements for an accessory dwelling unit.

Sec. 17. 30-A MRSA §4364-B, sub-§4, ¶D is enacted to read:

D. An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this section.

Sec. 18. 30-A MRSA §4364-B, sub-§5, as enacted by PL 2021, c. 672, §6, is amended to read:

5. Shoreland zoning. An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances, except that a municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

Sec. 19. 30-A MRSA §4364-B, sub-§8, ¶A, as enacted by PL 2021, c. 672, §6, is amended to read:

A. Establish an application and permitting process for accessory dwelling units that does not require planning board approval;

Sec. 20. 30-A MRSA §4364-B, sub-§10, as enacted by PL 2021, c. 672, §6, is amended to read:

10. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel~~ of ~~land in accordance with~~ subchapter 4.

Sec. 21. 30-A MRSA §4364-B, sub-§13, as enacted by PL 2021, c. 672, §6, is amended to read:

13. Implementation. A municipality is not required to implement the requirements of this section until ~~July 1, 2023~~ the implementation date.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

19-100 DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Chapter 5: HOUSING OPPORTUNITY PROGRAM: MUNICIPAL LAND USE AND ZONING ORDINANCE RULE

Summary: This chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

Note: This chapter incorporates by reference certain material. The Appendix lists the material that is incorporated by reference, the date for each reference, and the organization where copies of the material are available.

SECTION 1. PURPOSE AND DEFINITIONS

A. PURPOSE

1. This chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

2. Municipalities need not adopt this rule language or the statutory language in 30-A M.R.S. §§ 4364 to 4364-B ~~P.L. 2021 Ch. 672~~ word for word. The Department encourages municipalities to consider local planning documents and other special local considerations, and to modify language into one that meets the needs of a particular community and the minimum requirements of this legislation. Municipalities may wish to adopt ordinances that are more permissive, provided that such ordinances are equally or more effective in achieving the goal of increasing housing opportunities. If a municipality does not adopt ordinances to comply with 30-A M.R.S. §§ 4364 to 4364-B ~~P.L. 2021 Ch. 672~~, this legislation will preempt municipal home rule authority.

3. These rules do not:

   a) Abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this rule, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine;

   b) Exempt a subdivider from the requirements in Title 30-A Chapter 187 subchapter 4;

c) Exempt an affordable housing development, a dwelling unit, or accessory dwelling unit from the shoreland zoning requirements established by the Department of Environmental Protection pursuant to Title 38 Chapter 3 and municipal shoreland zoning ordinances; ~~or~~

d) Abrogate or annul minimum lot size requirements under Title 12 Chapter 423-A; or~~.~~

~~d)~~e) Apply to a lot or portion of a lot that is within the watershed of a water source located in Lewiston or Auburn and that is used to provide drinking water by a water utility that has received a waiver from filtration pursuant to 40 C.F.R. §§ 141.70 to 141.76, as determined by the Maine Department of Health and Human Services.

B. DEFINITIONS

All terms used but not defined in this chapter shall have the meanings ascribed to those terms in Chapter 187 of Title 30-A of the *Maine Revised Statutes*, as amended. Municipalities need not adopt the terms and definitions outlined below word for word. The Department encourages municipalities to consider local planning documents and other special local considerations, and to modify language into one that meets the needs of a particular community. Municipalities may wish to adopt terms and definitions that are more permissive, provided that such terms and definitions are equally or more effective in achieving the goal of increasing housing opportunities.

Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and municipalities may impose a maximum size.

Affordable housing development. "Affordable housing development" means

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~51% or more of the units ~~that the developer designates as affordable~~ in the development without spending more than 30% of the household's monthly income on housing costs; and

2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~51% or more of the units ~~that the developer designates as affordable~~ in the development without spending more than 30% of the household's monthly income on housing costs.

~~3. For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.~~

~~4.~~3. For purposes of this definition, "housing costs" include, but are not limited to:

a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

Area median income. "Area median income" means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Attached. "Attached" means connected by a shared wall to the principal structure or having physically connected finished spaces.

Base density. "Base density" means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Centrally managed water system. "Centrally managed water system" means a water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

~~**Certificate of occupancy.** "Certificate of occupancy" means the municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the *Maine Uniform Building and Energy Code* adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.~~

Comparable sewer system. "Comparable sewer system" means any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

Comprehensive plan. "Comprehensive plan" means a document or interrelated documents consistent with 30-A M.R.S. § 4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

Conditional use. "Conditional use" means a use permitted on a lot in a zoning district by a municipal legislative body, subject to certain conditions not generally applicable to other lots located in that zoning district.

Density requirements. "Density requirements" mean the maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated growth area. "Designated growth area" means an area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

Dimensional requirements. "Dimensional requirements" mean requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

Duplex. "Duplex" means a structure containing two (2) dwelling units.

Dwelling unit. "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Existing dwelling unit. "Existing dwelling unit" means a residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

~~**Housing**. "Housing" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, theis does not include dormitories, boarding houses or other similar types of housing units; (2); and (3) This also does not include tTransient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.~~

Implementation date. "Implementation date" means:

1. January 1, 2024, for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

2. July 1, 2024, for all other municipalities.

3. For purposes of this definition, "further action or approval by the voters of the municipality" means municipalities that have a town meeting form of government.

Land use ordinance. "Land use ordinance" means an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

Lot. "Lot" means a single parcel of developed or undeveloped land.

Multifamily dwelling. "Multifamily dwelling" means a structure containing three (3) or more dwelling units.

Municipality. "Municipality" means a city or a town, excluding all unorganized and deorganized townships, plantations, and towns that have delegated administration of land use controls to the Maine Land Use Planning Commission pursuant to 12 M.R.S. §682(1).

Potable. "Potable" means safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants*.

Principal structure. "Principal structure" means a structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.

Quadplex. "Quadplex" means a structure containing 4 (four) dwelling units.

Residential use. "Residential use" means a use permitted in an area by a municipal legislative body to be used for human habitation. Residential uses may include single-family, duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. For purposes of this rule, the following uses are not included under this definition, unless otherwise allowed in local ordinance: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals.

Restrictive covenant. "Restrictive covenant" means a provision in a deed, or other covenant conveying real property, restricting the use of the land.

Setback requirements. "Setback requirements" mean the minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

Single-family dwelling unit. "Single-family dwelling unit" means a structure containing one (1) dwelling unit.

Structure. "Structure" means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).

Triplex. "Triplex" means a structure containing three (3) dwelling units.

Zoning ordinance. "Zoning ordinance" means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

SECTION 2. AFFORDABLE HOUSING DENSITY

A. GENERAL

This Section requires municipalities to allow an automatic density bonus for certain affordable housing developments approved on or after ~~July 1, 2023~~the implementation date, as outlined below. This section only applies to lots in zoning districts that have adopted density requirements.

B. ELIGIBILITY FOR DENSITY BONUS

1. For purposes of this section, a municipality shall verify that the development:

   a) Is an affordable housing development as defined in this chapter, which includes the requirement that a majority of the total units on the lot are affordable;

   b) Is in a designated growth area pursuant to 30-A M.R.S. §4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;

   c) Is located in an area in which multifamily dwellings are allowed per municipal ordinance;

   d) Complies with minimum lot size requirements in accordance with Title 12 Chapter 423-A; and

   e) Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:

      i. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

ii. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

iii. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

iv. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

2. Long-Term Affordability

Prior to granting ~~a certificate of occupancy or other final approval of~~ final approval of an affordable housing development, including but not limited to issuing an occupancy permit, a municipality must require that the owner of the affordable housing development (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction:

a) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

b) For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

C. DENSITY BONUS

If the requirements in Section 2(B)(1) and (2) are met, a municipality must:

1. Allow an affordable housing development to have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location; and

2. Require no more than two (2) off-street parking motor vehicle spaces for every three (3) dwelling units of an affordable housing development.

If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number. Local regulation that

chooses to round up shall be considered consistent with and not more restrictive than this law. The number of motor vehicle parking spaces may be rounded up or down to the nearest whole number.

SECTION 3. DWELLING UNIT ALLOWANCE

A. GENERAL

This section requires municipalities to allow multiple dwelling units on lots where ~~housing is~~ residential uses are allowed, including as a conditional use, ~~allowed~~ beginning on ~~July 1, 2023~~the implementation date, subject to the requirements below. The requirements listed in Section 3 apply to municipalities with and without zoning. Private, state or local standards such as homeowners' association regulation, deed restrictions, lot size, set back, density, septic requirements, minimum lot size, additional parking requirements, growth ordinance permits, shoreland zoning and subdivision law, may also apply to lots.

B. REQUIREMENTS

1. Dwelling Unit Allowance

a) If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. Ch. 423-A, and is:

i. Located within a designated growth area consistent with 30-A M.R.S. §4349 A(1)(A)-(B); or

ii. Served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

b) If a lot does not contain an existing dwelling unit and does not meet i. or ii. above, a municipality must allow up to two (2) dwelling units per lot located in an area in which housing is allowed, provided that the requirements in 12 M.R.S. Ch. 423-A are met. The two (2) dwelling units may be (1) within one structure; or (2) separate structures.

c) If a lot contains one existing dwelling unit, a municipality must allow the addition of up to two (2) additional dwelling units:

i. One within the existing structure or attached to the existing structure;

ii. One detached from the existing structure; or

iii. One of each.

d) If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot unless allowed under local municipal ordinance.

e) A municipality may allow more units than the minimum number of units required to be allowed on all lots that allow housing.

2. Zoning

With respect to dwelling units allowed under this Section, municipalities with and without zoning ordinances must comply with the following:

a) If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision.

b) Municipalities may establish a prohibition or an allowance for lots where a dwelling unit in existence after ~~July 1, 2023~~the implementation date, is torn down and an empty lot results.

3. Dimensional and Setback Requirements

a) A municipal ordinance may not establish dimensional requirements, including but not limited to ~~or~~ setback requirements, for dwelling units allowed pursuant to this Section that are more restrictive than the dimensional requirements ~~or~~, including but not limited to setback requirements, for single-family housing units.

4. A municipality may establish requirements for a lot area per dwelling unit as long as the additional ~~dwelling units~~lot area required for each additional dwelling unit is proportional to the lot area per dwelling unit of the first unit.

5. Water and Wastewater

a) The municipality must require an owner of a proposed housing structure to provide written verification that each proposed structure is to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:

i. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

ii. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing

inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

iii. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

iv. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance, a municipality may:

1. Establish an application and permitting process for dwelling units;

2. Impose fines for violations of building, site plan, zoning, and utility requirements for dwelling units; and

3. Establish alternative criteria that are less restrictive than the requirements of Section 3(B)(4) for the approval of a dwelling units only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. §4353(4)(A), (B), or (C).

SECTION 4. ACCESSORY DWELLING UNITS

A. GENERAL

1. A municipality must allow, effective ~~July 1, 2023~~on the implementation date, one accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which ~~housing is allowed~~ residential uses are permitted, including as a conditional use, subject to the requirements outlined below. The requirements listed in Section 4 apply to municipalities with and without zoning. Private, state or local standards such as homeowners' association regulation, deed restrictions, set back, density, septic requirements, shoreland zoning and subdivision law may also apply to lots.

2. A municipal ordinance that allows more than one accessory dwelling unit or that allows accessory dwelling units to be established in relation to duplex, triplex, quadplex, and other multi-unit buildings shall be considered consistent with the goals of 30-A M.R.S. §§ 4364 to 4364-B. ~~P.L. 2021 Ch. 672.~~

~~2.~~3. A municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet the shoreland zoning requirements established by the Department of Environmental Protection, Title 28, Chapter 3, and municipal shoreland zoning ordinances.

B. REQUIREMENTS

1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

a) Within an existing dwelling unit on the lot;

b) Attached to a single-family dwelling unit; or

c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

A municipality may allow an accessory dwelling unit to be constructed or established within an existing accessory structure, except the setback requirements of Section 4(B)(3)(b)(i) shall apply.

2. Zoning

With respect to accessory dwelling units, municipalities with zoning ordinances and municipalities without zoning must comply with the following conditions:

(a) At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; ~~and~~

(b) If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density, except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision; and

(c) An accessory dwelling unit is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot area.

3. Other

With respect to accessory dwelling units, municipalities must comply with the following conditions:

a) A municipality must exempt an accessory dwelling unit from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;

b) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements, excluding lot area requirements, and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit;

i. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of ~~July 1, 2023~~the implementation date, the required setback requirements in local ordinance of the existing accessory or secondary building apply.

c) A municipality may establish more permissive dimensional requirements and setback requirements for an accessory dwelling unit.

d) An accessory dwelling unit may not be subject to any additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

~~d)~~e) An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this Section.

4. Size

a) An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

b) Municipalities may set a maximum size for accessory dwelling units in local ordinances, as long as accessory dwelling units are not less than 190 square feet.

5. Water and Wastewater

A municipality must require an owner of an accessory dwelling unit to provide written verification that the proposed accessory dwelling unit is to be connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:

a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any

additional flow created by the unit and proof of payment for the connection to the sewer system;

b) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

d) If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance under this Section, a municipality may:

1. Establish an application and permitting process for accessory dwelling units that does not require planning board approval~~;~~

2. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and

3. Establish alternative criteria that are less restrictive than the above criteria in Section 4 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. §4353(4)(A), (B), or (C).

D. RATE OF GROWTH ORDINANCE

A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance pursuant to 30-A M.R.S. §4360.

STATUTORY AUTHORITY:

PL 2021 Ch. 672, PL 2023 Ch. 192, and PL 2023, ch. 264, codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B.

EFFECTIVE DATE:

April 18, 2023 – filing 2023-056

AMENDED

APPENDIX

List of Reference Material

Reference Material	Location to Obtain Document
U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table, March 2018.	U.S. Environmental Protection Agency Office of Water Drinking Water Hotline 1-800-426-4791
10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water, May 9, 2016	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016
Resolve 2021, Ch. 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants	Maine State Legislature Legislative Information Office- Document Room 100 State House Station Augusta, ME 04333 207-287-1408 webmaster_house@legislature.maine.gov
01-672 C.M.R. Ch. 10, Land Use Districts and Standards, December 30, 2022	Maine Department of Agriculture, Conservation & Forestry Bureau of Resource Information and Land Use Planning Land Use Planning Commission 22 State House Station Augusta, Maine 04333 207-287-2631
10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules, August 3, 2015	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016

ORDINANCE 22-10162023

City Council Ordinance

IN CITY COUNCIL

Be it ordained, That the Auburn City Council amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet as shown in the attached zoning text amendment.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions
Date: 10/16/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on October 10, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ZONING TEXT AMENDMENT: Amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet. This item was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND:** Darren Finnegan seconds.

"I make a motion to recommend sending forward a positive recommendation to council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. For an **accessory dwelling unit**, an accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling. I would also request that section 60-2 Definitions-number two read 'each one family detached dwelling unit must be at least 400 square feet above grade in size and an accessory detached dwelling unit must be 190 square feet above grade in size, unless the technical building code and standards board pursuant to 10 M.R.S. §9722, adopts a different minimum standard if so, that standard applies.'" **VOTE:** 7-0-0 motion passes.

City of Auburn
City Council Information Sheet

Council Meeting Date: October 16, 2023 **Ordinance:** 23-10162023

Author: Katherine Cook, Planning Coordinator

Subject: Public hearing and second reading on zoning map amendment changing UR and LDCR zoning to T-4.2B in Area B.

Information: Today the City Council holds the first reading on amending the City of Auburn zoning map to rezone certain land area general located near Vickery Road area from Urban Residence zoning district and Low-Density Country Residential Zoning District Traditional Neighborhood Form Based Code T-4.2B zoning district. This hearing follows three planning board public hearings on the most appropriate zone change supported by the comprehensive plan. The planning board recommended the map amendment as depicted attached as it provides connectivity between the Vickery Road neighborhood and the area zoned T-4.2B off South Main Street earlier identified as area A1. The planning board's recommendation includes a request that they later make a recommendation on rezoning the area south of the of the proposed T-4.2B boundary to a zone which accommodates a density of approximately eight units per acre. Staff plans to bring this additional as a separate consideration for workshop in December.

City Budgetary Impacts: None known.

Staff Recommended Action: Staff suggests that council adopt the 2nd reading of this zoning map amendment.

Previous Meetings and History: May 21, 2022-planning board workshop on areas A, B, C, and D; July 11, 2023- planning board public hearing on areas A, B, C, and D (all tabled); August 8, 2023- planning board public hearing on areas A1, A2, B1 & B2, C, and D (recommendations on all but area B); September 13, 2023- planning board workshop on area B option 1 and area B option 2 (recommendation to proceed with option 1); October 10, 2023- public hearing on area B option 1.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Draft ordinance with map, recommendation from planning board, area B map, staff report, T-4.2B ordinance text.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Planning board recommendation to city council on zoning map amendment changing UR and LDCR zoning to T-4.2B in Area B.
Date: 10/16/2023

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on October 10, 2023, the Planning Board forwards this report to the City Council.

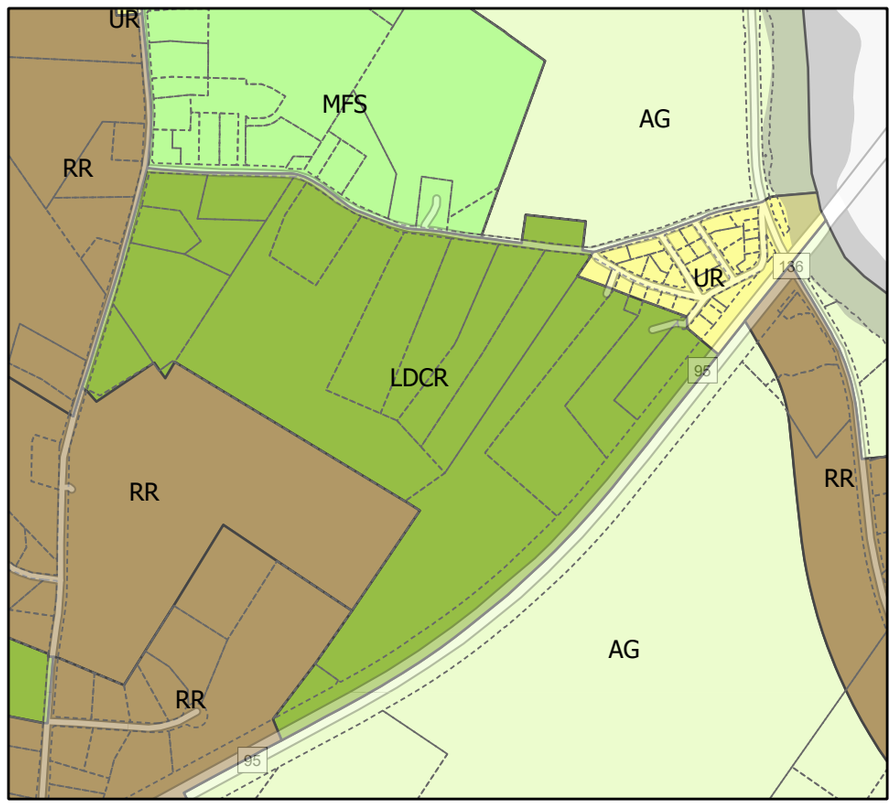
PROPOSAL: PUBLIC HEARING/ZONING MAP AMENDMENT T-4.2B "AREA B": Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item was initiated by the City Council and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND**: Evan Cyr seconds.

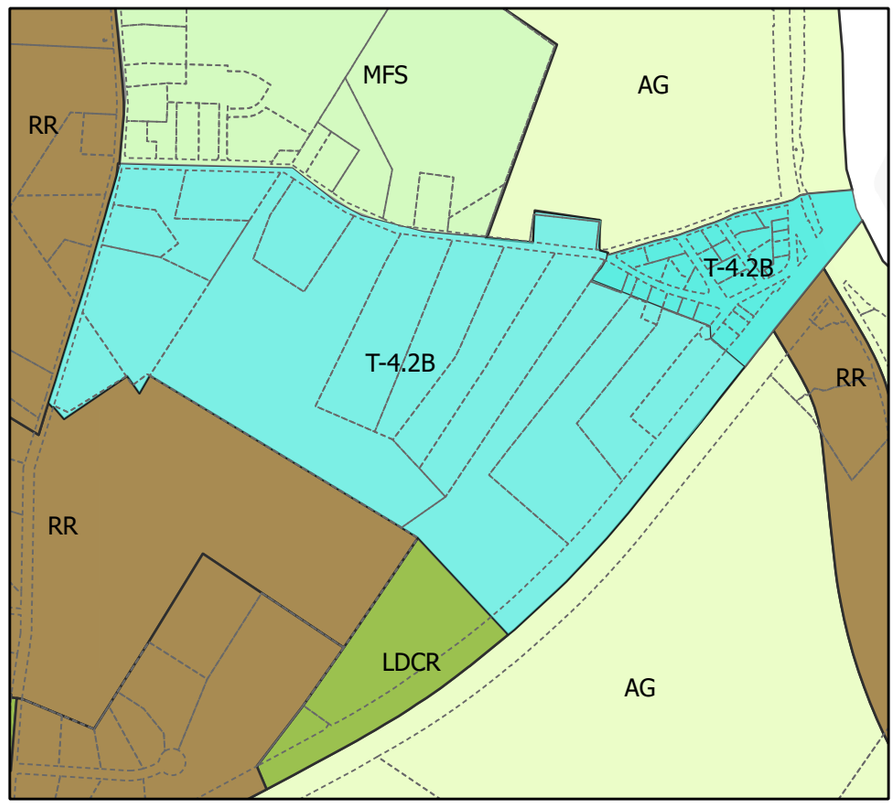
"I make a motion to forward a favorable recommendation to city council to amend the official zoning map of the City of Auburn entitled *City of Auburn, Zoning Map, dated May 16, 2016,* revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the corresponding map and presented in this meeting."

VOTE: 7-0-0. Motion passes.

Area B: Option 1



Current Zoning



Proposed Change

Zoning Districts

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

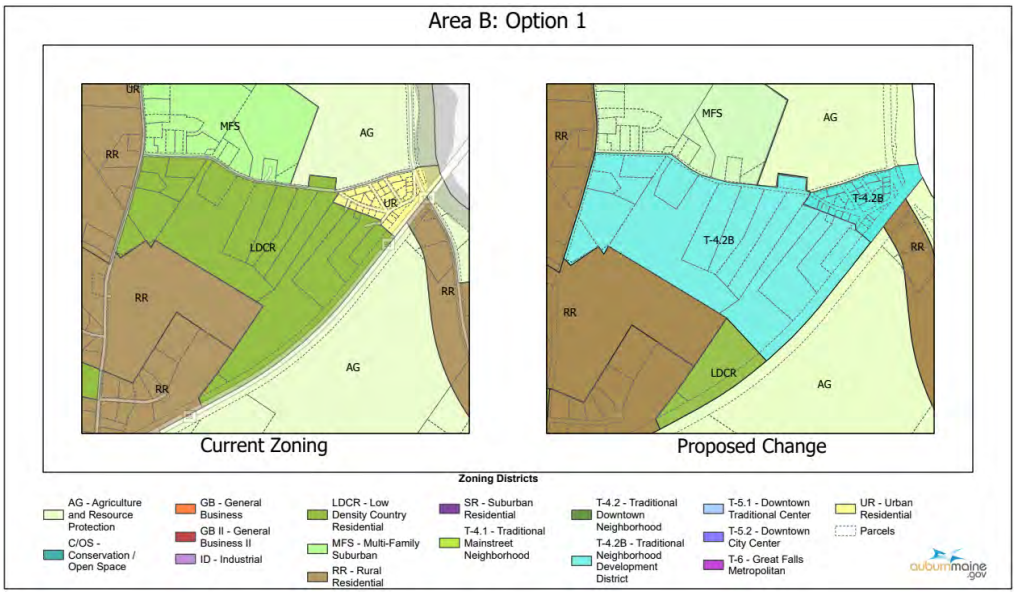
auburnmaine.gov

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: October 10, 2023

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on Map Amendment for Area B in the Vickery Road Area

I. **Public Hearing/ Map Amendment "Area B":** Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.



II. **Background:** On September 13, 2023, the planning board reviewed two options for the zone change boundaries of Area B. Staff presented "Option 1" which applied T-4.2B to the Vickery Road Neighborhood, and the current Low Density Country Residential area south of Vickery Road between South Main Street and Riverside Drive, and "Option 2," which extended the zoning change further down South Main Street to the Turnpike also changing affecting the Rural Residential zone. The planning board decided to hold a public hearing the following month on "Area B, Option 1" because it aligns more closely to the Comprehensive Plan, which calls for a less dense development pattern than T-4.2B would produce in areas to the south of Vickery Road. The planning board specified they prefer the zone change boundaries follow "Option 2" presented at the September meeting and asked that the staff prepare a workshop presenting possible zones that would accomplish the Comprehensive Plan's guidance of approximately 8 units per acre. Staff plans to have that workshop before the Board for the November meeting.

Previous Meetings:
- **May 21, 2022**—Planning Board Workshop on Area A, B, C, and D
- **July 11, 2023**—Planning Board Public Hearing on Area A, B, C and D. All areas were tabled with recommendations for staff to bring to the following meeting.

- **August 8, 2023**—Planning Board Public Hearing on Area A1, A2, B1 & B2, Area C, and Area D. Planning Board made recommendations on all map amendments except Area B. They asked to see the different option to connect Area B to Area B1
- **September 13, 2023—**Planning Board Workshop on "Area B Option 1" and "Area B Option 2" which depicted different boundaries for the potential zone change. Planning Board directed staff to prepare Area B Option 1 for a Public Hearing

III. **Department Review:**
- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

IV. **Planning Board Action:** Staff recommends that the Board forward a positive recommendation to the Council under Sec. 46-374 supporting the proposed changes.

V. **Suggested Motion***:* I make a motion to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the corresponding map and presented in the materials for this meeting.

Sec. 60-548B. Traditional Neighborhood T-4.2B.

Illustrative View of T-4.2B

Intent and Purpose:
Traditional Neighborhood (T-4.2B)

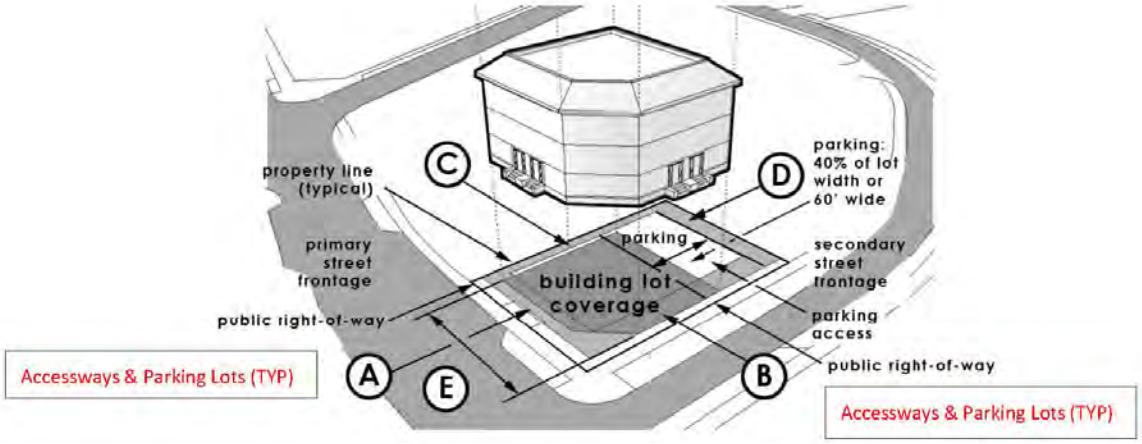
The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Characteristic Features

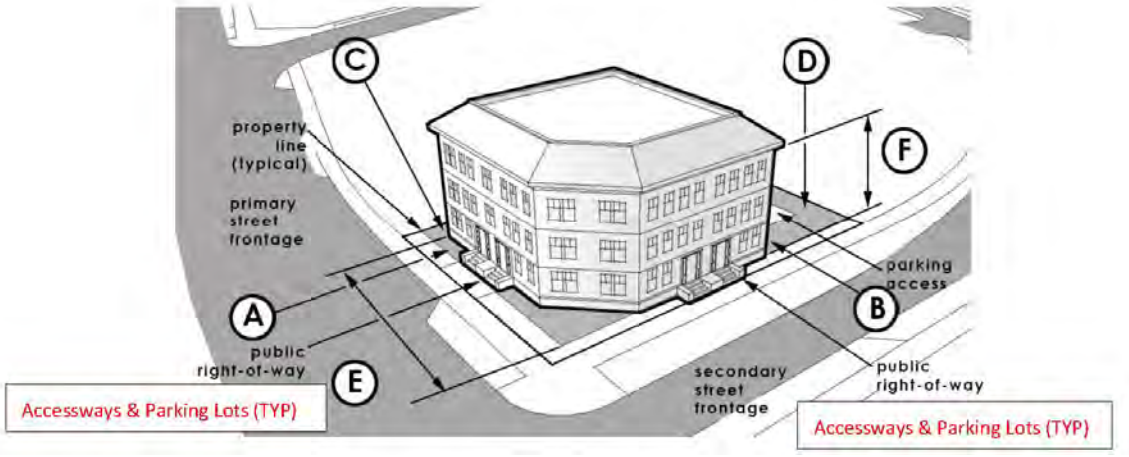
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



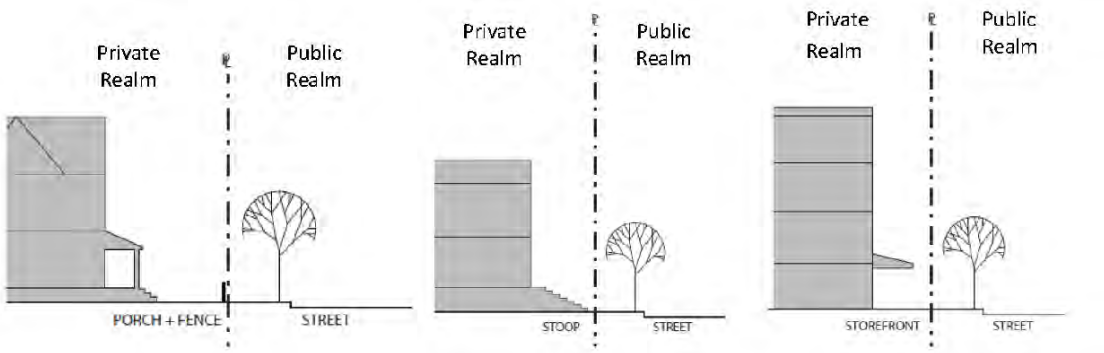
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.2. Building frontages T-4.2B.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	Residential - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	Residential - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-548B.3. External elements T-4.2B.

Front yard fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. Commercial - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

(1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.

(2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.

(3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

(5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

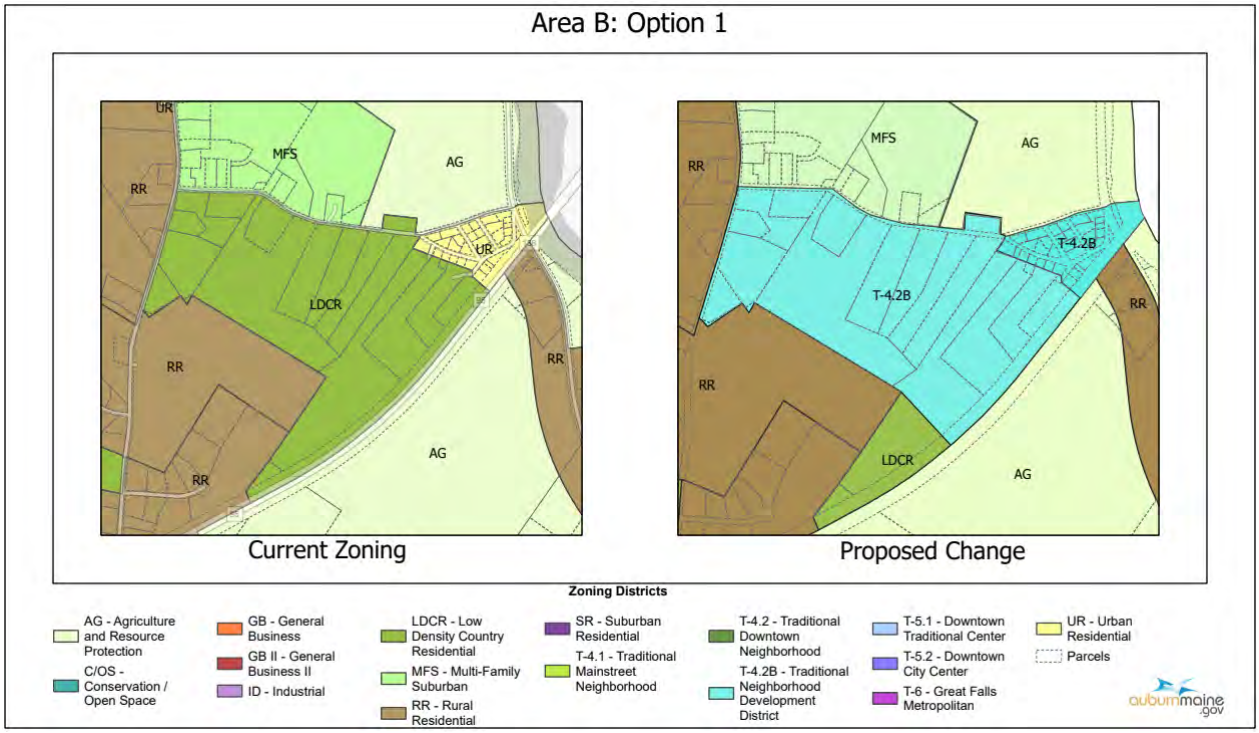
ORDINANCE 23-10162023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and LDCR zoning to T-4.2B in Area B.

Be it ordained, That the Auburn City Council Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map labeled Area B: Option 1.



Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: November 6, 2023 **Public Hearing**

Author: John Blais

Subject: Public Hearing, discontinuance of 90.94+/- Miller Street as a city street per § 3026-A

Information: Step two, in a three- step process once a recommendation is made by the Planning Board. 1.) File order of discontinuance for notification of abutters. (9.19.23) **2. Public Hearing, notification to abutters (11. 6. 23).** 3.Approval of order minimum 10 days after the public hearing (11.21.23).

Today the City Council should hold a public hearing on the discontinuance of Miller Street.

A. The Location of the town way or public easement is attached.
B. Notification of abutting property owners is complete via Certified Mail.

City Budgetary Impacts: None known.

Staff Recommended Action: Hold public hearing, no vote required. **Continued from last month due to address correction.**

Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023, City Councilor Order and 1st vote September 19, 2023, October 16, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order of Discontinuance (attested copy by City Clerk)

PROPERTY LINE TABLE

LINE	DIRECTION	DISTANCE
EL1	N 31°35'33" E	20.23'
EL2	N 38°59'07" E	10.54'
EL3	S 31°35'33" W	1.82'

MAIN STREET

REBAR WITH CAP 1278

N 09°30'26" E 88.92'

1/2" IRON IN CONC. WALK

N/F WILLIAM & HALSEY McDONOUGH 214 MAIN ST 2261/145 MAP 231 LOT 021

186 MAIN ST

LAND TO BE CONVEYED TO JCS 18, LLC

N 16°53'58" W 89.52'

S 16°53'58" E 89.52'

MULTI-STORY BRICK COMMERCIAL STRUCTURE

N/F TURSON LLC 178 MAIN ST 7852/280 MAP 231 LOT 019

MILLER ALLEY

REBAR WITH CAP 1278

11.69'
(N 22°43'28" W) (9.48') (TIE LINE)

8.75'

99.54'

N 3°00'14" E 117.11'

S 3°00'14" W 116.97'

RAILROAD SPIKE

9.11'

30.72'

N 5°10'28" E 43.42'

14.32'

19.72'

AREA TO BE CONVEYED TO TURSON, LLC WITH RIGHTS OF USE , ACCESS AND UTILITY EASEMENT 657 S.F.

N 86°26'45" W 15.00'

S 86°03'15" E 29.27'

113.72'

13.26'

18.42'

S 5°10'28" W

N 73°04'09" W 35.62'

S 46°08'03" E 42.26'

S 67°27'21" W 27.13'

PROPOSED SEWER EASEMENT 2,124 S.F.

EL1

EL2

EL3

38.50'

N 5°10'28" E 90.94'

42.28'

AREA TO BE CONVEYED TO JCS 18, LLC 3,127 SF WITH RIGHTS OF USE, ACCESS, AND UTILITY EASEMENT

N/F CITY OF AUBURN 74 MILLER ST 1593/49 MAP 231 LOT 017

MILLER STREET

PROPOSED RELOCATION OF MILLER STREET 4,827 S.F.

N 63°41'54" E 38.62'

S 67°27'21" W 25.65'

33.84'
S 46°08'03" E

S 86°03'54" W 50.72'

S 36°17'25" W 19.38'

N 86°26'45" E 29.62'

15.03'
S 20°28'47" E

107.64'
S 5°10'28" W

N 6°21'32" W 62.94'

N 3°20'50" E 125.34'

AUBURN RIVER WALK

PROPOSED TEMPORARY CONSTRUCTION EASEMENT 17,075 S.F.

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
1 INCH = 10 FT.

PAUL D. OSTROWSKI, PE 11175

STATE OF MAINE — PAUL D. OSTROWSKI No. 11175 — REGISTERED PROFESSIONAL ENGINEER — 07/28/2023

REV.	BY	DATE	STATUS
H	PDO	07/28/2023	REVISED EASEMENT PLAN
G	PDO	06/05/2023	ISSUED FOR FLOOD HAZARD DEVELOPMENT & NRPA PBR
F	PDO	06/02/2023	REVISED EASEMENT PLAN
E	PDO	05/22/2023	REVISED EASEMENT PLAN
D	PDO	05/18/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO	05/05/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	ACH	01/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS
REV.	BY	DATE	STATUS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS INC.

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

EASEMENT PLAN

OF:
186 MAIN STREET
186 MAIN STREET,
AUBURN, MAINE 04210

FOR:
JCS 18, LLC
20 MECHANIC STREET
GORHAM, MAINE 04038

RECORD OWNER:
CITY OF AUBURN
60 COURT STREET
AUBURN, ME 04210

DESIGNED	TFG
DRAWN	ABB
CHECKED	PDO
DATE	05/05/2023
SCALE	1" = 10'
PROJECT	220503-01

SHEET 3 OF10

220503 EASEMENT PLAN.dwg, TAB:6 EASEMENT PLAN

F:\Projects\220000\220503\DWG\Design\220503 EASEMENT PLAN.dwg - 7/28/2023 3:32 PM, TANNER F. GOODINE

Planning & Permitting
City of Auburn
60 Court Street
Auburn, ME 04210

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

UNITED STATES POSTAL SERVICE® CERTIFIED MAIL®

9489 0090 0027 6269 5835 26

Label 890-PB, Oct. 2015
Pitney Bowes

HALSEY WILLIAM MCDONOUGH
61 WINTER STREET
GARDINER, ME 04345

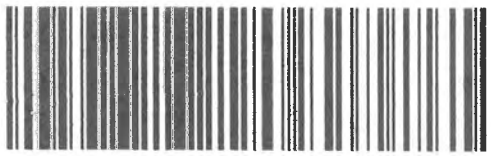
US POSTAGE™ PITNEY BOWES

ZIP 04210 $ 007.42⁰
02 4W
0000376711 OCT. 20. 2023

Planning & Permitting
City of Auburn
60 Court Street
Auburn, ME 04210

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

UNITED STATES POSTAL SERVICE® CERTIFIED MAIL®



9489 0090 0027 6269 5835 33

Label 890-PB, Oct. 2015
Pitney Bowes

WILLIAM TURNER
368 MINOT AVENUE
AUBURN, ME 04210

US POSTAGE™ PITNEY BOWES

ZIP 04210 $ 007.42⁰
02 4W
0000376711 OCT. 20. 2023

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

October 18, 2023

RE: Notice of City Council Public Hearing – November 6, 2023

William McDonough
61 Winter Street (mailing address)
Gardiner, Maine 04345
PID: 231-021

Dear Mr. McDonough:

You are receiving this notice pursuant to Title 23 M.R.S.A § 3026-A, 1-6 because the City of Auburn, City Council will conduct a Public Hearing on **Monday, November 6, 2023, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to hear public comment on the following item located abutting property you own:

PUBLIC HEARING/ Miller Street Relocation: 186 Main Street: See attached attested order dated September 25, 2023, and site plan.

In addition, a waiver of damages form is included for your convenience. Please sign and send back to the address found on the waiver:

Additional information is available and may be obtained from the Auburn Planning & Permitting Department by contacting John Blais at (207) 333-6601 ext. 1334 or jblais@auburnmaine.gov.

Regards,

John Blais
Deputy Director of Planning, Permitting and Code

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

October 18, 2023

RE: Notice of City Council Public Hearing – November 6, 2023

William T. Turner
368 Minot Avenue
Auburn, Maine 04210
PID: 231-019

Dear Mr. Turner:

You are receiving this notice pursuant to Title 23 M.R.S.A § 3026-A, 1-6 because the City of Auburn, City Council will conduct a Public Hearing on **Monday, November 6, 2023, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to hear public comment on the following item located abutting property you own:

PUBLIC HEARING/ Miller Street Relocation: 186 Main Street: See attached attested order dated September 25, 2023, and site plan.

The development includes new parking and has been proposed as six (6) additional public parking spaces will be available at 2-hour increments and will be available at will to tenants between 6 PM to 7:00 AM. In addition, to replace the seven (7) R permit location paid for by the abutter the city will offer replacement spots within the city garage at the same rate of $45 a month ($945 quarterly).

In addition, a waiver of damages form is included for your convenience. Please sign and send back to the address found on the waiver:

Additional information is available and may be obtained from the Auburn Planning & Permitting Department by contacting John Blais at (207) 333-6601 ext. 1334 or jblais@auburnmaine.gov.

Regards,

John Blais
Deputy Director of Planning, Permitting and Code

ORDER

City Council Order

IN CITY COUNCIL

ORDERED, that Miller Street, as laid out on plan and titled "Easement Plan", as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds , is hereby discontinued 90.94' +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

Exhibit A
Proposed Street Relocation
Miller Street

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04'09" E across said Miller Steet a distance of 35.62 feet to the northeasterly corner of "Proposed Discontinuation of Miller Street 3,784 S.F." as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10'28" E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08'03" E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28'47" E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10'28" W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17'25" W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24'21" W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35'33" W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10'28" E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10'28" E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Meaning and intending to describe the area depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe

ABUTTERS:

William T. Turner
178 Main Street(physical address)
368 Minot Avenue (mailing address)
Auburn, Maine 04210
PID: 231-019

William McDonough
214 Main Street (physical address)
61 Winter Street (mailing address)
Auburn, Maine 04210
PID: 231-021

DAMAGES:
Amount of Damages: $0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

PUBLIC EASEMENT: All rights for public and private utilities are retained per § 3026-A, (6)

In-favor	**In-Favor**	**In-Favor**
Richard Whiting	Ryan Hawes	Stephen G. Milks
In-Favor	**In-Favor**	**In-Favor**
Joseph Morin	Leroy G. Walker	Dana Staples

In-Favor
Belinda A. Gerry

Motion carries 7-0 on September 18, 2023

Vote Attested by City Clerk:

City of Auburn
City Council Information Sheet

Council Meeting Date: November 6th, 2023 **Order:** 143-11062023

Author: John Blais

Subject: Second Reading, discontinuance of 250+/- Chestnut Street as a city street per § 3026-A, (2) A, B, B-1, C and D

Information: Third step, in a three-step process once a recommendation is made by the Planning Board. 1.) File order of discontinuance for notification of abutters. (9.19.23) 2. Public Hearing, notification to abutters (10. 2. 23). **3.) Approval of order minimum 10 days after the public hearing (11.4.23).**

Today the City Council meets to hold Second reading, discontinuance of 250+/- Chestnut Street as a city street per § 3026-A, (2) A, B, B-1, C and D. Once approved, the order of Discontinuance
is recorded in the Androscoggin County Registry of Deeds.

City Budgetary Impacts: None known.

Staff Recommended Action: Hold second reading, and staff to record the Exhibit B in Androscoggin County Registry of Deeds and City Council Order attested by City Clerk.

Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023, Public Hearing October 16th.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order of Discontinuance

Partial Discontinuance of Chestnut Street – Waiver of Damages -7 Chestnut Street
PID 250-335

TO: Sultan Corp, Property Owners, 7 Chestnut Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has frontage on two streets including Chestnut Street and Webster Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damage to the abutting property owners is warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance of a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. **By October 1, 2023**.

OPTIONS:

- ✓ I agree that no damages are warranted or due to me for the discontinuance of a portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.
- ○ I disagree with the preliminary determination and will request damages in the amount of $_____ to move forward with the proposed discontinuance.
- ○ I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser to determine if damages are warranted.

Date: 10/31/23 **Printed Name:** [illegible]

Signature: Debra Sullivan
Sultan Corp

ase contact me with any questions at 333-6601, ext. 1334

Partial Discontinuance of Chestnut Street – Waiver of Damages -16 Chestnut Street
PID 250-333

TO: Hero Homes LLC, Property Owners, 16 Chestnut Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has a frontage on one street, Chestnut Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damages to the abutting property owners are warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance of a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. By October 1, 2023.

OPTIONS:

- [X] I agree that no damages are warranted or due to me for the discontinuance of a portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.

- [ ] I disagree with the preliminary determination and will request damages in the amount of $ _____ to move forward with the proposed discontinuance.

- [ ] I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser determine if damages are warranted.

Date: 26 Sep 2023 **Printed Name:** Hanley W Clark

Signature: Hanley W Clark

Partial Discontinuance of Chestnut Street – Waiver of Damages -28 Winter Street
PID 250-279

TO: John & Barabara Landry, Property Owners, 28 Winter Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has frontage on two streets including Chestnut Street and Winter Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damages to the abutting property owners are warranted. This letter is to verify if you agree with that determination or if you would prefer that the City investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. By October 1, 2023.

OPTIONS:

- ● I agree that no damages are warranted or due to me for the discontinuance of portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.
- o I disagree with the preliminary determination and will request damages in the amount of $_____ to move forward with the proposed discontinuance.
- o I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser determine if damages are warranted.

Date: September 27 2023

Printed Name: John Landry
Barbara Landry

Signature: John R Landry
Barbara Landry

Please contact me with any questions at 333-6601, ext. 1334

ORDER 143-11062023

City Council Order

IN CITY COUNCIL

ORDERED, that Chestnut Street, as laid out on plan and titled "Conveyances & Partial Discontinuance of Chestnut Street", as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds , is hereby discontinued 250' +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

Exhibit B
0.23 Acre (9,996 sq. ft.) Discontinuance of a Portion of Chestnut Street
City of Auburn, County of Androscoggin, State of Maine
September 1, 2023

A portion of land of Chestnut Street, so-called, between Winter Street, so-called, and Webster Street, so-called, in the City of Auburn, County of Androscoggin, and State of Maine, being more particularly bounded and described as follows, to wit:

Beginning at a point on the northwesterly side of Chestnut Street at the southwesterly corner of land now or formerly of John R & Barbara J. Landry (Book 6864, Page 210), said point being in a general southwesterly direction, along the northwesterly side of Chestnut Street, a distance of 90 feet, more or less, from the westerly side of Winter Street;

Thence, from the Point of Beginning, South 40° 33' 36" East, crossing said Chestnut Street, a distance of 40.19 feet to a point on the southeasterly side of Chestnut Street and the northwesterly side of land now or formerly of the City of Auburn (Book 1168, Page 229);

Thence, South 43° 48' 18" West, along the said southeasterly side of Chestnut Street, said land now or formerly of the City of Auburn, and land now or formerly of Sultan Corp (Book 5488, Page 202), a distance of 248.75 feet to a point;

Thence, North 43° 50' 03" West, crossing said Chestnut Street, a distance of 40.03 feet to a point on the said northwesterly side of Chestnut Street at the southeasterly corner of land now or formerly of Hero Homes, LLC (Book 9614, Page 308), said point being in a general northeasterly direction, along the northwesterly side of Chestnut Street, a distance of 209 feet, more or less, from the easterly side of Webster Street;

Thence, North 43° 48' 18" East, along the said northwesterly side of Chestnut Street and land now or formerly of the City of Auburn (Book 1168, Page 229), a distance of 251.05 feet to the Point of Beginning.

The above-described parcel of land contains 0.23 acres, more or less (9,996 sq. ft, more or less).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

All bearings are referenced to Maine State Grid, West Zone, NAD and based on a plan entitled, “Plan showing Conveyances & Partial Discontinuance of Chestnut Street”, made for the City of Auburn, dated August 31, 2023, surveyed by Main-Land Development Consultants, Inc.

All Book and Pages refer to the Androscoggin County Registry of Deeds.

Meaning and intending to describe a portion, and only a portion, of Chestnut Street to be discontinued by the City of Auburn. All rights for public and private utilities are retained per § 3026-A, (6)

ABUTTERS:

John & Barbara Landry	Sultan Corp	Hero Homes LLC
28 Winter Street	PO Box 7065	19 Fae Lane
Auburn, Maine 04210	Lewiston, Maine 04242	Gorham, Maine 04038
PID 250-279	PID 250-335	PID 250-333

DAMAGES:
Amount of Damages: $0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

PUBLIC EASEMENT: All rights for public and private utilities are retained per § 3026-A, (6)

Attested:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 6, 2023 **Order:** 144-11062023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Downtown Omnibus TIF #10 - Fourth Amendment

Information:
The fourth amendment to the Downtown Omnibus TIF #10 will remove ten parcels totaling 16.32 acres & $4,498,500 in value from the district. The Downtown TIF, created in 2002, has less than 10 years remaining before expiration. Key parcels currently targeted for development are being removed to allow for new, longer-term districts to be created to a greater benefit of the city.

City Budgetary Impacts:
The City intends to establish new Tax Increment Financing Districts for one or more of these parcels following adoption of the Fourth Amendment to the District for the purpose of capturing tax revenues from new assessed value generated by investments made on these properties.

Staff Recommended Action:
Approval of Order as presented.

Previous Meetings and History:
July 15, 2002 – Council approved Downtown TIF
December 2, 2013 – Council amended TIF to add 214 parcels
September 12, 2016 – Council amended TIF to remove 1 parcel
November 20, 2017 – Council amended TIF to remove 1 parcel

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
TIF#10 Fourth Amendment

CITY OF AUBURN

Fourth Amendment to #10 Downtown Omnibus Municipal Tax Increment Financing District and Development Program

Adopted by Order of the City Council November 6, 2023

FOURTH AMENDMENT
City of Auburn #10 Downtown
Omnibus Municipal Tax Increment Financing District and Development Program

TABLE OF CONTENTS

I. Introduction 2
Section 1.01: History of Original Development Program. 2
Section 1.02: Amendment of District and Development Program. 3
II. Amended Development Program 3
Section 2.01: District Footprint and Acreage. 3
Section 2.02: Tax Revenue Projections. 4
Section 2.03: Public Project Costs. 4
Section 2.04: No Other Changes. 4
Section 2.05: Notice of Public Hearing and Approval of Amendment. 5
EXHIBIT A: Statutory Requirements & Thresholds Form 6
EXHIBIT B: Certificate of Assessor 9
EXHIBIT C: Maps of District as Amended 10
EXHIBIT D: Tax Increment Revenue Projections 11
EXHIBIT E: Public Project Costs 12
EXHIBIT F: Public Hearing Notice 15
EXHIBIT G: Public Hearing Minutes 16
EXHIBIT H: Orders of City Council 17

FOURTH AMENDMENT
City of Auburn #10 Downtown
Omnibus Municipal Tax Increment Financing District and Development Program

I. Introduction

Section 1.01: History of Original Development Program.

The City of Auburn designated the #10 Downtown Municipal Development Tax Increment Financing District (the "District") and approved a municipal tax increment financing district development program for said District (the "Development Program") by order of its City Council on July 15, 2002. The District and Development Program were approved by the Maine Department of Economic and Community Development ("DECD") in 2002 and confirmed by letter dated June 15, 2012. The Development Program adopted in 2002 stated that the District would be effective for a period of twenty (20) years; however, the 2012 DECD approval letter stated that the District is effective for a term of thirty (30) years through October 18, 2032. The District was designated to capture 100% of tax revenue from increased assessed value for property acquisition to construct a parking garage, walkway lighting and improvements, intersection improvements, recreational trail extension, and projects as identified within the Auburn Downtown Action Plan for Tomorrow ("ADAPT"). The District consisted of 211 acres located in a concentrated area between Minot Ave (Route 100/202) and the Androscoggin River at a central point in the City along its eastern border.

The City adopted the First Amendment to the District and Development Program by order of its City Council on December 2, 2013, and DECD approved the amendment by letter dated July 23, 2014 (the "First Amendment"). With the First Amendment, the City added 214 parcels to the District consisting of 54.67 acres, resulting in a total District acreage of 265.67. The First Amendment authorized the City to enter into credit enhancement agreements with developers in the District to offer a reimbursement of property taxes paid on increased assessed value up to 100%, subject to the joint Tax Increment Financing Policy adopted by the Cities of Auburn and Lewiston. The First Amendment also authorized the City to spend retained property tax revenue from captured assessed value on several additional public improvements and projects within the District, as well as transportation projects, trails and economic development initiatives within the City.

The City adopted the Second Amendment to the District and Development Program by orders of its City Council on September 12, 2016 (the "Second Amendment"). The Second Amendment removed one parcel (Tax Map 240, Lot 257) consisting of 0.81 acres from the District, resulting in a total District acreage of 264.86. The City adopted the Third Amendment to the District and Development Program by orders of its City Council on November 20, 2017 (the "Third Amendment"). The Third Amendment removed one parcel (Tax Map 240, Lot 212) consisting of 1.01 acres from the District, resulting in a total District acreage of 263.85. The Second Amendment and Third Amendment were approved by DECD per letter dated March 6, 2018.[1] The DECD

[1] The total District acreage cited in the March 6, 2018 DECD approval letter was 264.18 and the Original Assessed Value was $83,168,800. This was corrected as a result of inaccurate information provided with the First Amendment. This Fourth Amendment is based on the Original Assessed Value and Acreage as confirmed in the 2018 approval letter from DECD.

approval letter stated that the District is effective for a term of thirty (30) years ending June 30, 2032. All other terms of the Development Program remained the same as the First Amendment.

The City hopes to continue the efforts that are currently supported by the District and Development Program, as amended, and to enhance and broaden the economic development and employment opportunities within the community through the use of tax increment revenues from the District as necessary and appropriate through the amendment of this District. Development efforts within the District continue and the City seeks to adopt this Fourth Amendment to the District and Development Program in order to maximize the benefits of Tax Increment Financing for certain properties and projects within the City. This Fourth Amendment will remove certain properties from the District and create new Districts dedicated to those projects to provide assistance to the developers of said projects. These properties have been identified for commercial uses that are expected to create new employment opportunities within the City, which will benefit residents and business owners alike and maintain and broaden the tax base within the City.

Section 1.02: Amendment of District and Development Program.

The City now desires to amend the District and Development Program to advance the original economic development goals of the Development Program and the City to provide new employment opportunities within the City and to continue improving and broadening the City's tax base and the general economy of the City and the State of Maine.

Accordingly, the District and Development Program are hereby amended for the following purposes:

(a) to remove ten parcels from the District, consisting of 16.32 acres, including a certification of the Original Assessed Value resulting from the removal of these parcels;

(b) to include the additional estimated tax increment revenues to be captured during the term of the District and additional authorized project costs.

II. Amended Development Program

Section 2.01: District Footprint and Acreage.

The District is hereby amended to remove the following parcels:

Tax Map/Lot	Property Address	Acreage	Original Assessed Value	OAV Date
CURRENT DISTRICT TOTAL		**264.18**	**$83,168,800**	
221-041	121 Mill Street	4.58	$933,000	March 31, 2013
230-066	81 Minot Ave	1.02	$187,500	March 31, 2013
230-132	15 Academy Street	1.11	$60,300	March 31, 2002

231-020	186 Main Street	0.16	$0 (exempt)	March 31, 2002
241-025	Mechanics Row (131 Main Street)	0.74	$0 (exempt)	March 31, 2002
240-271	67 Minot Ave	2.36	$1,640,600	March 31, 2013
240-272	1 Minot Ave	1.20	$0	March 31, 2013
251-019	3 Center Street (Turner Street)	4.07	$50,000	March 31, 2002
251-021	1 Center Street	0.93	$189,300	March 31, 2002
251-022	197 Turner Street	0.46	$105,200	March 31, 2002
TOTAL REMOVED PARCELS[2]		**16.63**	**$3,165,900**	
AMENDED DISTRICT TOTAL		**247.55**	**$80,002,900**	

An updated Statutory Requirements and Thresholds Form is included herewith as Exhibit A. A Certificate of Assessor is included herewith as Exhibit B and a revised maps of the District as amended are included herewith as Exhibit C.

Section 2.02: Tax Revenue Projections.

The removal of the ten parcels as identified in Section 2.01 above is not expected to result in a substantial decrease in the captured assessed value within the District and will therefore not significantly affect the tax increment revenue projections and tax shift calculations within the District for the remainder of the District term. However, updated tax revenue projections, including actual captured assessed value, tax increment revenue and credit enhancement agreement payments to date, are included herewith as Exhibit D for reference.

Section 2.03: Public Project Costs.

In addition to the public activities and project costs authorized within the Development Program to date, as previously amended, the City seeks to authorize additional uses of TIF revenue from the District. Included herewith as Exhibit E is an amended and restated table of authorized public project costs.

Section 2.04: No Other Changes.

Except as expressly amended by this Fourth Amendment, the District Development Program, as previously amended, shall not be altered and is hereby ratified and confirmed in all respects.

[2] The acreages included in this table are based on actual 2024 parcel data in the City's assessing records, which may vary from earlier Development Program materials; however, the City does not have a complete record of the acreages listed for each amendment to date and is unable to verify what acreage amounts were originally listed for each of these parcels.

Section 2.05: Notice of Public Hearing and Approval of Amendment.

A copy of the Notice of Public Hearing published in the *Lewiston Sun Journal*, a newspaper of general circulation in the City of Auburn on October 19, 2023 is attached hereto as Exhibit F. A public hearing pursuant to such Notice was held on November 6, 2023. The minutes of the public hearing are attached hereto as Exhibit G and the Orders of the City Council approving this Amendment are attached hereto as Exhibit H.

EXHIBIT A: Statutory Requirements & Thresholds Form

SECTION A. | Acreage Caps		
1. Total **municipal** acreage;	41,430.00	
2. Acreage of **proposed** Municipal TIF District;	247.55	
3. **Downtown-designation**[3] acres in proposed Municipal TIF District;	247.55	
4. **Transit-Oriented Development**[4] acres in proposed Municipal TIF District;	0	
5. **Total acreage [=A2-A3-A4]** of proposed Municipal TIF District counted toward 2%	247.55	
6. **Percentage [=A5÷A1]** of total acreage in proposed Municipal TIF District (CANNOT	0.60%	
7. **Total acreage** of all existing/proposed Municipal TIF districts in municipality **including** Municipal Affordable Housing Development districts:[5] See attached list	Existing	678.19
	Proposed	-16.63
	Total:	661.56
30-A § 5223(3) EXEMPTIONS[6]		
8. Acreage of an existing/proposed **Downtown** Municipal TIF district;	247.55	
9. Acreage of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0	
10. Acreage of all existing/proposed **Community Wind Power** Municipal TIF districts:	0	
11. Acreage in all existing/proposed Municipal TIF districts **common to**[7] Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such acreage also factored in Exemptions 8-10 above	0	
12. **Total acreage [=A7-A8-A9-A10-A11]** of all existing/proposed Municipal TIF districts counted toward 5% limit;	414.01	
13. **Percentage of total acreage [=A12÷A1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).	1.00%	

14. **Real property** in proposed Municipal TIF District that is:	ACRES	% **[=Acres÷A2]**
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.	247.55	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		

[3] Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).
[4] For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.
[5] For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.
[6] Downtown/TOD overlap nets single acreage/valuation caps exemption.
[7] PTDZ districts approved through December 31, 2008.

SECTION B. | Valuation Cap		
1. **Total TAXABLE** municipal valuation—April 1, 2023	$2,253,171,176	
2. **Taxable Original Assessed Value (OAV)** of proposed Municipal TIF District as of March 31, 2002 and March 31, 2013	$80,002,900	
3. **Taxable OAV of all** existing/proposed Municipal TIF districts in municipality **excluding** Municipal Affordable Housing Development districts: See attached list	Existing	$108,311,200
	Proposed	-$3,165,900
	Total:	$105,145,300
30-A § 5223(3) EXEMPTIONS		
4. **Taxable OAV** of an existing/proposed **Downtown** Municipal TIF district;	$80,002,900	
5. **Taxable OAV** of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0	
6. **Taxable OAV** of all existing/proposed **Community Wind Power** Municipal TIF districts:	0	
7. **Taxable OAV** of all existing/proposed **Single Taxpayer/High Valuation**[8] Municipal TIF districts:	0	
8. **Taxable OAV** in all existing/proposed Municipal TIF districts **common to** Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such OAV also factored in Exemptions 4-7 above:	0	
9. **Total taxable OAV [=B3-B4-B5-B6-B7-B8]** of all existing/proposed Municipal TIF districts counted toward 5% limit;	$25,142,400	
10. **Percentage of total taxable OAV [=B9÷B1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%).	1.12%	

COMPLETED BY			
PRINT NAME	Alyssa Tibbetts		
SIGNATURE		DATE	
If this form has **not be completed by the municipal or plantation assessor**, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME	Karen Scammon		
SIGNATURE		DATE	

[8] For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Existing Active TIF Districts

District Number	District Name	OAV	Acreage
6	Proctor & Gamble (Tambrands II)	$ 520,900.00	84
10	Downtown Omnibus	$ 83,168,800.00	264.18
12	Auburn Industrial Park	$ 334,200.00	144
13	Retail Development	$ 5,425,400.00	29.67
14	Mall Revitalization	$ 11,328,400.00	38.91
15	Mall Area Hotel	$ 4,900.00	1.5
16	Webster School (affordable housing)	$ -	1.4
19	Hartt Transportation Center	$ 1,278,600.00	43
20	62 Spring Street	$ 474,300.00	0.81
21	477 Minot Avenue (affordable housing)	$ -	3.83
22	Hampshire Street (affordable housing)	$ -	1.01
23	Memory Care	$ 327,100.00	8.61
24	Gracelawn	$ 262,600.00	2.92
25	FutureGuard	$ 3,838,700.00	26.2
26	North River Road Apartments	$ 60,300.00	3.32
27	Stable Ridge	$ 235,500.00	13.19
28	Agren Appliance Warehouse	$ 1,051,500.00	11.64
	TOTAL	**$ 108,311,200.00**	**678.19**

EXHIBIT B: Certificate of Assessor

CITY OF AUBURN
CERTIFICATE OF ASSESSOR

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the #10 Auburn Downtown Municipal Tax Increment Financing District, as described in the Development Program for the District and as identified in the attached table, was $80,002,900 as of March 31, 2002 (April 1, 2001) and March 31, 2013 (April 1, 2012) respectively.[9]

District Action	Acreage Change	Total Acreage	OAV Change	Total OAV
Original Designation		211		$52,364,600
First Amendment	+54.67	265.67	+$31,213,200	$83,577,800
Second Amendment	-0.81	264.86	-$409,000	$83,168,800
Third Amendment	-1.01	264.18	-$0	$83,168,800
Fourth Amendment	-16.63	247.55	-$3,165,900	$80,002,900

This Certificate has been executed as of this ____ day of October, 2023.

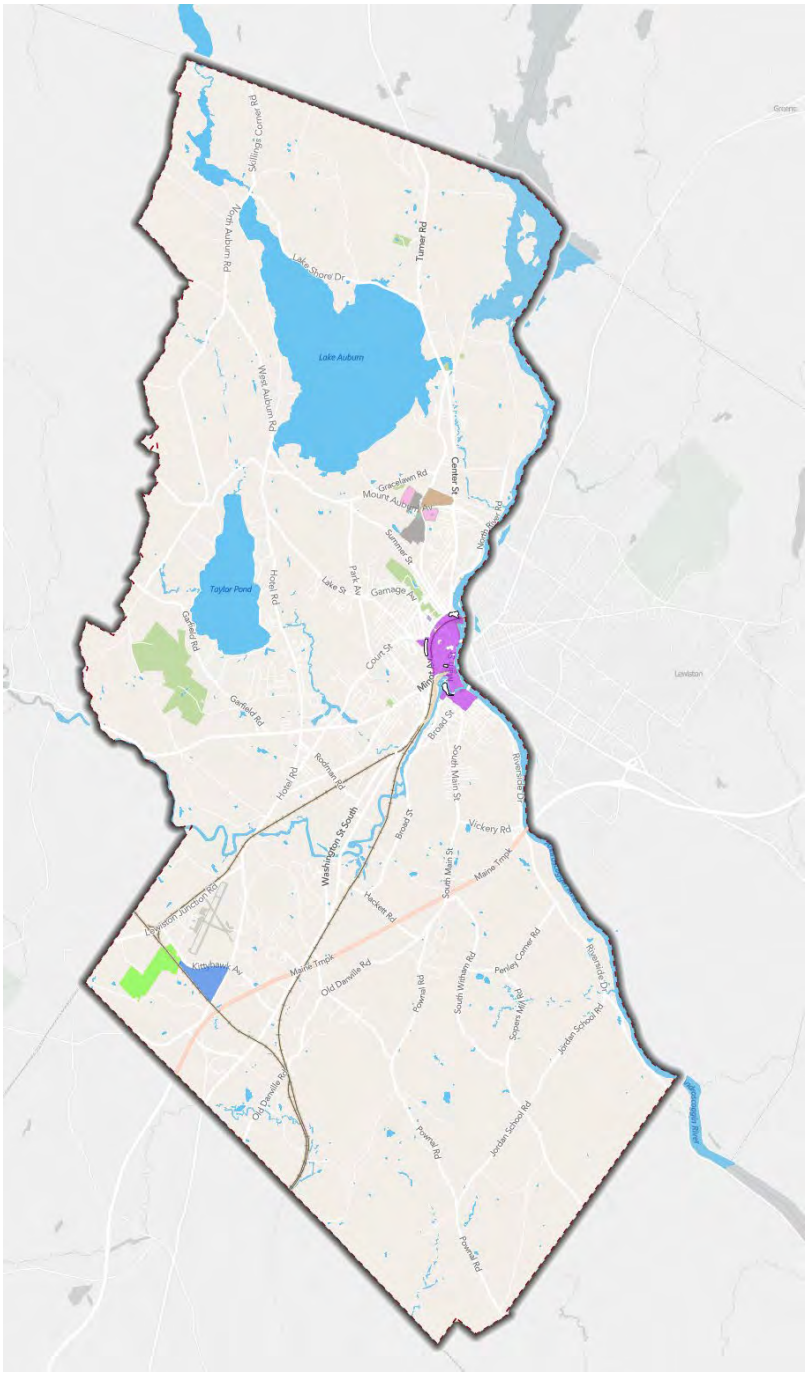
_____
Karen Scammon, CMA-4
Assessor, City of Auburn

[9] The Original Assessed Value of the District was certified as $52,364,600 as of March 31, 2002 (April 1, 2001). With the First Amendment to the District adopted December 2, 2013, the Original Assessed Value of the District was $84,411,000 resulting from the addition of 214 parcels with a taxable real property value of $32,046,400 as of March 31, 2013 (April 1, 2012). These values were subsequently reviewed and corrected as reflected in the March 6, 2018 letter from DECD approving the Town's Second Amendment to the District. With the Second Amendment to the District adopted September 12, 2016, one parcel was removed from the District with a taxable real property value of $409,000 as of March 31, 2002 (April 1, 2001), and the Original Assessed Value of the District was confirmed as $83,168,800 ($51,995,600 as of March 31, 2002 and $31,213,200 as of March 31, 2013). With the Third Amendment to the District adopted November 20, 2017, the Original Assessed Value of the District remained the same as there was just one parcel removed from the District, which had an Original Assessed Value as of March 31, 2002 (April 1, 2001) of $0. With the Fourth Amendment to the District adopted November 6, 2023, the Original Assessed Value of the District is now $80,002,900, resulting from the removal of ten parcels with a taxable real property value of $3,165,900. Six of the parcels to be removed with this Fourth Amendment were included in the District as of its original designation and have an Original Assessed Value as of March 31, 2002 (April 1, 2001), and four of the parcels to be removed with this Fourth Amendment were added to the District as of the First Amendment and have an Original Assessed Value as of March 31, 2013 (April 1, 2012).

EXHIBIT C: Maps of District as Amended

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #10 Amendment 4 – Exhibit C
Map of District Location within Municipality



City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #10 Amendment 4 – Exhibit D
Map of District Boundaries

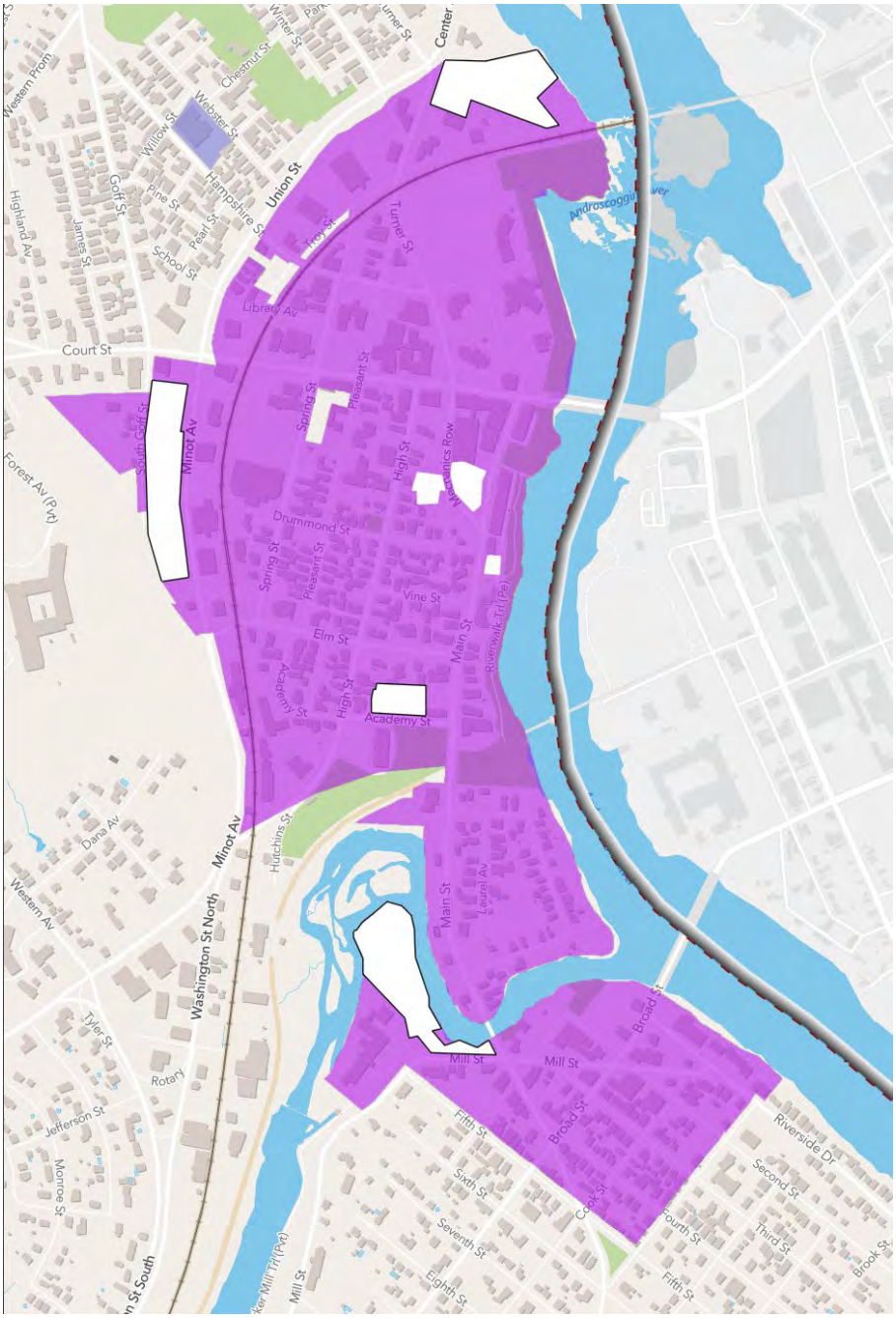


EXHIBIT D: Tax Increment Revenue Projections

TIF Year	Tax Year April 1,	Fiscal Year (July 1- June 30)	Original Assessed Value (OAV)[1]	Increased Assessed Value (IAV)[2]	Captured Assessed Value (CAV) 100%[3]	Mil Rate[4]	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV (100% Sheltered)	CEA Payments to Developers[5]	Net Tax Revenue on CAV to City
1	2002	2002-2003	$52,364,600.00	$ -	$ -	28.44	$ 1,489,249.22	$ -	$ -	$ -	$ -
2	2003	2003-2004	$52,364,600.00	$ -	$ -	29.38	$ 1,538,471.95	$ -	$ -	$ -	$ -
3	2004	2004-2005	$52,364,600.00	$ 85,602,700	$ 85,602,700	29.38	$ 1,538,471.95	$ 2,515,007.33	$ 2,515,007.33	$ -	$ 2,515,007.33
4	2005	2005-2006	$52,364,600.00	$ 86,651,100	$ 86,651,100	30.48	$ 1,596,073.01	$ 2,641,125.53	$ 2,641,125.53	$ -	$ 2,641,125.53
5	2006	2006-2007	$52,364,600.00	$ 77,642,700	$ 77,642,700	24.35	$ 1,275,078.01	$ 1,890,599.75	$ 1,890,599.75	$ -	$ 1,890,599.75
6	2007	2007-2008	$52,364,600.00	$ 93,049,100	$ 93,049,100	19.28	$ 1,009,589.49	$ 1,793,986.65	$ 1,793,986.65	$ -	$ 1,793,986.65
7	2008	2008-2009	$52,364,600.00	$ 90,541,100	$ 90,541,100	18.41	$ 964,032.29	$ 1,666,861.65	$ 1,666,861.65	$ -	$ 1,666,861.65
8	2009	2009-2010	$52,364,600.00	$ 89,634,800	$ 89,634,800	18.31	$ 958,795.83	$ 1,641,213.19	$ 1,641,213.19	$ -	$ 1,641,213.19
9	2010	2010-2011	$52,364,600.00	$ 89,970,300	$ 89,970,300	19.30	$ 1,010,636.78	$ 1,736,426.79	$ 1,736,426.79	$ -	$ 1,736,426.79
10	2011	2011-2012	$52,364,600.00	$ 87,798,400	$ 87,798,400	19.39	$ 1,015,349.59	$ 1,702,410.98	$ 1,702,410.98	$ -	$ 1,702,410.98
11	2012	2012-2013	$52,364,600.00	$ 87,192,500	$ 87,192,500	19.59	$ 1,025,822.51	$ 1,708,101.08	$ 1,708,101.08	$ 225.00	$ 1,707,876.08
12	2013	2013-2014	$84,411,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,724,516.73	$ 1,775,890.01	$ 1,775,890.01	$ -	$ 1,775,890.01
13	2014	2014-2015	$84,411,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,724,516.73	$ 1,775,890.01	$ 1,775,890.01	$ -	$ 1,775,890.01
14	2015	2015-2016	$84,411,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,724,516.73	$ 1,775,890.01	$ 1,775,890.01	$ -	$ 1,775,890.01
15	2016	2016-2017	$84,002,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,716,160.86	$ 1,775,890.01	$ 1,775,890.01	$ 16,526.00	$ 1,759,364.01
16	2017	2017-2018	$84,002,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,716,160.86	$ 1,775,890.01	$ 1,775,890.01	$ 16,526.00	$ 1,759,364.01
17	2018	2018-2019	$84,002,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,716,160.86	$ 1,775,890.01	$ 1,775,890.01	$ 16,526.00	$ 1,759,364.01
18	2019	2019-2020	$84,002,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,716,160.86	$ 1,775,890.01	$ 1,775,890.01	$ 17,561.00	$ 1,758,329.01
19	2020	2020-2021	$84,002,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,716,160.86	$ 1,775,890.01	$ 1,775,890.01	$ 17,561.00	$ 1,758,329.01
20	2021	2021-2022	$84,002,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,716,160.86	$ 1,775,890.01	$ 1,775,890.01	$ 17,613.00	$ 1,758,277.01
21	2022	2022-2023	$84,002,000.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,716,160.86	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
22	2023	2023-2024	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
23	2024	2024-2025	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
24	2025	2025-2026	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
25	2026	2026-2027	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
26	2027	2027-2028	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
27	2028	2028-2029	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
28	2029	2029-2030	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
29	2030	2030-2031	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
30	2031	2031-2032	$79,908,300.00	$ 86,925,600	$ 86,925,600	20.43	$ 1,632,526.57	$ 1,775,890.01	$ 1,775,890.01	$ 16,821.00	$ 1,759,069.01
					30 Year TIF Total		**$ 45,300,986**	**$ 51,037,643.08**	**$ 51,037,643.08**	**$ 270,748.00**	**$ 50,766,895.08**
					Annual Average				**$ 1,701,254.77**	**$ 9,024.93**	**$ 1,692,229.84**

EXHIBIT E: Public Project Costs

	Project	Estimated Percentage of CAV	Cost Estimate*	Statutory Citation
1	Capital costs within the District related to the commercial development activities within the District, including, but not limited to, acquisition or construction of land, structures, fixtures or equipment, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures, and fixtures for public, recreational trail, commercial or transit use, including, but not limited to, site preparation, finishing work, real property assembly costs and other capital costs related to such improvements, such as licensing, permitting, planning, engineering and architectural and legal expenses. This project costs includes the construction of public garages within the District. 1	10.0%	$5,077,690	30-A M.R.S. §5225(1)(A)(1)(a)-(d), §5225 (1)(A)(3)
2	Capital costs within the District related to the commercial development activities within the District, including, but not limited to, construction of improvements, public ways, transit facilities, and recreational trails, including, but not limited to, pavement, widening, repair and reconstruction of roads, sidewalks and intersections, bicycle lanes, pedestrian safety measures, signage, bus shelters, benches, crosswalks, curb treatments, recreational trails and bridges.1	10.0%	$5,077,690	30-A M.R.S. § 5225(1)(A)(1)(a)
3	Costs of improvements for the construction, alteration or expansion of facilities outside of the District that are required due to improvements or commercial development and activities within the District, such as improvements, reconstruction, repair or widening of public ways and amenities on streets, sidewalks and intersections, bicycle lanes and pedestrian safety measures, and storm, sanitary sewer and water lines, electrical lines.1	10.0%	$5,077,690	30-A M.R.S. § 5225(1)(B)(1)
4	Costs associated with professional services rendered for projects within the District, including, but not limited to, engineering, planning, licensing, permitting, surveying, design, legal and accounting, and administrative expenses of staff time related to establishing and implementing the District and Development Program.	5.0%	$2,538,845	30-A M.R.S. §§ 5225(1)(A)(4), (5), (7)

5	Costs of the construction, alteration or expansion of facilities, including, but not limited to, water, sewer, storm water, electrical, telephone, cable, broadband, and natural gas, that are located within the District or outside the District to the extent they are required due to improvements or commercial development and activities within the District.	10.0%	$5,077,690	30-A M.R.S. §§ (1)(A)(1), (1)(B)(1)
6	Costs of public safety improvements to include the acquisition of additional public safety equipment or personnel, or improvements to police and fire stations outside the District as made necessary by the establishment and operation of the District, and costs related to public safety facilities made necessary by economic development activities within the City (not to exceed 15% of the CAV of the District). 1, 3	15.0%	$7,616,534	30-A M.R.S. §§ 5225(1) (B)(1), (2), (1)(C)(9)
7	Costs related to economic development programs and activities of the City directed at business retention and attraction, including, but not limited to, economic development staff salaries and/or consultant fees, and costs of funding economic development programs, events or marketing of the City as a business or arts location.1, 2	15.0%	$7,616,534	30-A M.R.S. § 5225(1)(C)(1)
8	Costs associated with administration of the District, including, but not limited to time spent by City employees in connection with the implementation of the Development Program.	5.0%	$2,538,845	30-A M.R.S. § 5225(1)(A)(5)
9	Costs of funding environmental improvement projects related to commercial district use or related to the commercial use or related to such activities within the City. 1	10.0%	$5,077,690	30-A M.R.S. § 5225(1)(C)(2)
10	Costs associated with the development and operation of affordable housing within the District; costs of improvements in support of municipal economic development activities in connection with affordable housing outside of the District; and costs associated with the operation and support of affordable housing in the City to serve ongoing economic development efforts or to assist those who are experiencing homelessness in the City.	5.0%	$2,538,845	30-A M.R.S. § 5225 (1)(A)(9), (B)(4), (C)(11), and (E)
11	Capital costs related to the construction or renovation of the City's central administrative office, the need for which is related to economic development within the City, up to 50% of such costs, not to exceed 15% of the captured assessed value within the District.	5.0%	$2,538,845	30-A M.R.S. § 5225(1)(C)(12)

TOTAL ESTIMATED PROJECT COSTS (OVER 30 YEARS)	**100.0%**	**$50,776,895**	

***** These are estimates only. The City may allocate revenues generated by the district across approved project cost categories as needed.

[1] These project costs were authorized with the original Development Program. All other costs are being added with this Fourth Amendment.

[2] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, #10, #6

[3] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, and #6.

Similar program costs contained within other current and future TIFs may be combined.

EXHIBIT F: Public Hearing Notice

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on Monday, November 6, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the proposed Fourth Amendment to the Downtown Omnibus Municipal Tax Increment Financing District #10 and the Development Program for said District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Fourth Amendment to the District will to remove ten parcels from the District, consisting of 16.632 acres. The City intends to establish new Tax Increment Financing Districts for one or more of these parcels following adoption of the Fourth Amendment to the District for the purpose of capturing tax revenues from new assessed value generated by investments made on these properties.

A copy of the proposed Fourth Amendment to the District and Development Program is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

[*proof of publication attached*]

NATIONAL HOCKEY LEAGUE

ASSOCIATED PRESS

Anaheim Ducks center Leo Carlsson (37) controls the puck against Los Angeles Kings Trevor Lewis (61) during the third period of a preseason game on Oct. 3, in Los Angeles.

No. 2 pick Carlsson starting career with the Ducks with fraction of Bedard's fanfare

By Greg Beacham
AP SPORTS WRITER

IRVINE, Calif. — The player drafted right after Connor Bedard last summer is about to make his NHL debut with a fraction of the fanfare.

And that's more than fine with Leo Carlsson.

While he sat out the Anaheim Ducks' first two games of the season with a minor injury last week, Carlsson was aware of the hockey world's massive celebration of Bedard's arrival with the Chicago Blackhawks, who chose the budding superstar first overall.

Nothing like that media blitz will happen around Carlsson when he starts his own career, possibly in the Ducks' home game against Dallas on Thursday night.

Unsurprisingly, this quietly confident 18-year-old Swede doesn't mind the lack of hubbub.

"Don't really care, to be honest," Carlsson said. "I think I'd rather be the underdog. Well, the second pick isn't the underdog, but I'm still not in the media and stuff like that. I feel like that's easier, to surprise people and not let them down that way. Maybe if I was from Canada or the US, it would be bigger as well. But I'm comfortable."

The international hype around Carlsson is infinitely more subdued than the buzz around Bedard, and that's no surprise. Although Carlsson's skills were advanced and obvious to anybody watching him in Sweden, the lanky 6-foot-3 forward wasn't even guaranteed to get a chance in North America this year.

While the rebuilding Ducks love Carlsson's skills and potential, they acknowledged that Carlsson could have ended up spending another year in Sweden before moving stateside, since their long-term rebuilding project doesn't exactly require Carlsson's immediate contribution.

But Carlsson was determined to start his next hockey adventure now.

"That was the goal coming here," Carlsson said. "Otherwise, I probably would have just stayed in Sweden. I was determined to earn a spot."

Carlsson's plan for the season still isn't 100% set, but he already bade farewell on social media to Örebro, his Swedish Hockey League team for the past three seasons. He's curtailed his celebrations since arriving in Anaheim, but he's already showing the flair that made him a first-round pick.

"He's a very skilled player, and he's very creative," Ducks coach Greg Cronin said. "He'd flash-dominate, like he'd flash a few shifts. And then when we got to the main camp and he played against better players from the American League, he was more noticeable. And then as we went to the NHL level, he went, 'Phew!'"

Cronin points his arm in a rocket's upward trajectory.

"I've seen that happen with so many young kids that kind of blend in for whatever the reason is, and then as they get to the training camp and it's more NHL players, they kind of take off," Cronin added. "I think a lot of times that's because they have the same IQ as those (NHL) guys. He's 18 years old, but he thinks the game like a 25-year-old."

Carlsson rejoined the Ducks in practice this week, and Cronin put him at the center of their top line between Troy Terry and Trevor Zegras, Anaheim's two most accomplished young forwards. The trio could be together for many years, and Carlsson has begun the process of growing into a two-way center capable of making every teammate better.

"I don't set goals for points and stuff," Carlsson said. "Just trying to be a comfortable NHL producer. Your rookie year is also hard, but I'm going to play with some good players as well, so I think it's going to make it easier for me."

Carlsson's skills continue to catch the eyes of his teammates and coaches. His growth culminated so far in an outstanding preseason performance against Arizona in which he clearly stood out as an elite playmaker who still needs refinement of his finishing skills, but is far ahead of his peers in many other areas.

"It's really impressive, his strength — because he's not an overly fit guy — on puck battles," Cronin said. "I was surprised at how fast he could skate, because it doesn't look like he's going fast, but he's going fast, and how he can change direction quick."

TOWN OF TURNER
BOARD OF APPEALS
PUBLIC HEARING - NOVEMBER 2

The Town of Turner Board of Appeals will hold a Public Hearing at 6:00 p.m. on Thursday, November 2, at the Turner Town Office, 11 Turner Center Road. The purpose of the hearing will be to accept public comment and consider a variance application for a 6-foot reduction in the front setback requirement for construction of a new double-wide mobile home at 24 Green Street, Turner. A copy of the variance application is available for public inspection at the Town Office during regular business hours.

NATIONAL BASKETBALL ASSOCIATION

After Harden skips 76ers practice, Nurse unsure of what comes next

CAMDEN, N.J. — Philadelphia 76ers coach Nick Nurse said he had no explanation for why James Harden skipped practice on Wednesday but planned to proceed as if the disgruntled guard will play in the preseason finale.

"If he's here, we go; if he's not here, we go," Nurse told reporters at the 76ers' New Jersey complex.

Harden has yet to play in the preseason. He did attend training camp and continued to practice with the 76ers in the wake of his offseason trade demand. Harden said last week his fractured relationship with team president Daryl Morey could not be repaired — comparing it to a broken marriage — and said over the summer that he could not play for the 76ers.

Part of Harden's complaint stems from his belief he should have earned a long-term contract with the Sixers after last season. It never came, thus the trade demand.

Harden, who was evasive last week about the status of his trade demand, said he could try to play in the Sixers' preseason finale on Friday against Atlanta. But he skipped practice, and the 76ers are unsure of what comes next.

Nurse, in his first season as Philadelphia's coach, said he had expected Harden to both practice on Wednesday and play on Friday.

"From the last discussions I've had with him and from everybody, yeah," Nurse said. "I'm still going on what he said the last time I talked him, that he was going to ramp up and get ready to play Friday. We'll see how it goes."

Harden has been one of the league's top players for the past decade, winning three scoring titles and the 2018 league MVP award. He led the league in assists last season.

ASSOCIATED PRESS

Philadelphia 76ers forward P.J. Tucker, left, chats with guard James Harden during the team's practice on Oct. 5 in Fort Collins, Colo.

NBA considering changes to All-Star Game format, with East vs. West possible again

(AP) — The NBA All-Star Game may soon return to an East vs. West format.

Commissioner Adam Silver said Tuesday in a televised interview on ESPN that changes are coming to the All-Star Game — and while stopping short of saying any decision has been finalized, he hinted that the current format of top vote-getters serving as captains and drafting their own teams may be shelved.

"Maybe a return to something more traditional, in terms of how the teams are presented," Silver said in the interview on ESPN's "First Take" program. "We went to sort of this captain-draft notion, but clearly, historically, it was East vs. West, so that's something we are looking at."

This season's All-Star Game is at Indianapolis on Feb. 18. The league has not yet announced any format changes.

The first 66 All-Star Games all had the East vs. West format. The last six have seen the leading vote-getters from each conference serve as captains who got to draft their teams; LeBron James served as one of the captains all six times, with Giannis Antetokounmpo the other captain three times, Kevin Durant twice and Stephen Curry once.

The last four All-Star Games have used a target score at the end of games, ensuring that the matchup ends on a made shot. Fourth quarters have been untimed; the winner is the first team to reach whatever the leading team had after three quarters, plus 24 points — the 24 is a nod to Kobe Bryant's last jersey number.

The first year of the target score format saw a fourth quarter that was incredibly dramatic. Last season's game, however, was almost completely uncompetitive and became a disaster in terms of television ratings — in part because some of the biggest names like James, Antetokounmpo, Durant and Curry all missed much or all of the All-Star Game because of injury.

"I mean, it's fun to kind of get out there and do some dunks and stuff like that," Utah's Lauri Markkanen said after last season's All-Star Game. "But we're all competitors. I think everybody would enjoy too if we just play against each other and it gets competitive."

League officials said last week that they have been stressing to players the importance of improving the quality of the All-Star Game. It has been a talking point for years, as has the slam dunk competition — which got a serious shot in the arm last season when Mac McClung put on a show for the ages.

"When you turn on an NBA All-Star Game, I think people expect to see some competition," said Joe Dumars, the league's executive vice president and head of basketball operations. "There's a happy medium somewhere between a hard-fought playoff game and what you saw last year. ... When you have the reaction that fans had and people had around the game and just visually, it matters because it didn't make the product look good."

It's unclear when the league will finalize any All-Star Game changes.

"We've lost sight a bit that it's about the game at the end of the day," Silver said.

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on Monday, November 6, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the proposed Fourth Amendment to the Downtown Omnibus Municipal Tax Increment Financing District #10 and the Development Program for said District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Fourth Amendment to the District will remove ten parcels from the District, consisting of 16.632 acres. The City intends to establish new Tax Increment Financing Districts for one or more of these parcels following adoption of the Fourth Amendment to the District for the purpose of capturing tax revenues from new assessed value generated by investments made on these properties.

A copy of the proposed Fourth Amendment to the District and Development Program is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

2024 MAINE STATE Spelling Bee

DEADLINE TO REGISTER IS DECEMBER 31

Take your students on a journey from the classroom

EXHIBIT G: Public Hearing Minutes

(see attached)

EXHIBIT H: Orders of City Council

ORDER OF THE AUBURN CITY COUNCIL
November 6, 2023

WHEREAS, the City adopted the #10 Downtown Municipal Development Tax Increment Financing District (the "District") and approved a municipal tax increment financing district development program for said District (the "Development Program") by order of its City Council on July 15, 2002, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, which was later confirmed by a letter of the Maine Department of Economic and Community Development ("DECD") dated June 15, 2012; and

WHEREAS, the City adopted the First Amendment to the District and Development Program by order of its City Council on December 2, 2013, and DECD approved the amendment by letter dated July 23, 2014 (the "First Amendment"); and

WHEREAS, the City adopted the Second Amendment to the District and Development Program by orders of its City Council on September 12, 2016 (the "Second Amendment"), and adopted the Third Amendment to the District and Development Program by orders of its City Council on November 20, 2017 (the "Third Amendment"), which were jointly approved by DECD per letter dated March 6, 2018; and

WHEREAS, the proposed Fourth Amendment to the District will remove certain properties from the District for the purpose of creating new Tax Increment Financing Districts dedicated to those projects to provide assistance to the developers of said projects; and

WHEREAS, the City seeks to adopt this Fourth Amendment to the District and Development Program in order to maximize the benefits of Tax Increment Financing for certain properties and projects within the City; and

WHEREAS, adopting and implementing the proposed Fourth Amendment to the District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Fourth Amendment to the District in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to adopt the proposed Fourth Amendment to the District and Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the Fourth Amendment to the District and Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the Fourth Amendment to the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the Fourth Amendment to the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the Fourth Amendment to the District and the Development Program on any existing business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the Fourth Amendment to the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Fourth Amendment to the #10 Downtown Municipal Development Tax Increment Financing District as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Fourth Amendment to the Development Program for the #10 Downtown Municipal Development Tax Increment Financing District in the form presented to the City Council.

Section 4. The foregoing adoption of the Fourth Amendment to the District and Development Program shall automatically become final and shall take full force and effect upon approval by the Commissioner of the State of Maine Department of Economic and Community Development, without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this Fourth Amendment to the District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

City Council Order

IN CITY COUNCIL

ORDER OF THE AUBURN CITY COUNCIL
November 6, 2023

WHEREAS, the City adopted the #10 Downtown Municipal Development Tax Increment Financing District (the "District") and approved a municipal tax increment financing district development program for said District (the "Development Program") by order of its City Council on July 15, 2002, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, which was later confirmed by a letter of the Maine Department of Economic and Community Development ("DECD") dated June 15, 2012; and

WHEREAS, the City adopted the First Amendment to the District and Development Program by order of its City Council on December 2, 2013, and DECD approved the amendment by letter dated July 23, 2014 (the "First Amendment"); and

WHEREAS, the City adopted the Second Amendment to the District and Development Program by orders of its City Council on September 12, 2016 (the "Second Amendment"), and adopted the Third Amendment to the District and Development Program by orders of its City Council on November 20, 2017 (the "Third Amendment"), which were jointly approved by DECD per letter dated March 6, 2018; and

WHEREAS, the proposed Fourth Amendment to the District will remove certain properties from the District for the purpose of creating new Tax Increment Financing Districts dedicated to those projects to provide assistance to the developers of said projects; and

WHEREAS, the City seeks to adopt this Fourth Amendment to the District and Development Program in order to maximize the benefits of Tax Increment Financing for certain properties and projects within the City; and

WHEREAS, adopting and implementing the proposed Fourth Amendment to the District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 144-11062023

City Council Order

WHEREAS, the City has held a public hearing on the proposed Fourth Amendment to the District in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to adopt the proposed Fourth Amendment to the District and Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the Fourth Amendment to the District and Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the Fourth Amendment to the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b)The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the Fourth Amendment to the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the Fourth Amendment to the District and the Development Program on any existing business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the Fourth Amendment to the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Fourth Amendment to the #10 Downtown Municipal Development Tax Increment Financing District as presented to the City Council.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Fourth Amendment to the Development Program for the #10 Downtown Municipal Development Tax Increment Financing District in the form presented to the City Council.

Section 4. The foregoing adoption of the Fourth Amendment to the District and Development Program shall automatically become final and shall take full force and effect upon approval by the Commissioner of the State of Maine Department of Economic and Community Development, without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this Fourth Amendment to the District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 6, 2023 **Order:** 145-11062023

Author: Councilor Rick Whiting and Councilor Leroy Walker

Subject: ARPA Request from Rebuilding Together Lewiston/Auburn

---

Information: Rebuilding Together Lewiston/Auburn is a non-profit volunteer organization, supported entirely by contributions of time, labor, material and money, who caters to homeowners who, because of limited finances, are unable to make necessary repairs to their home to maintain and stay in them. Skilled and unskilled volunteers, along with able-bodied members of the recipient's family and friends, complete the repairs at no cost to the homeowner. Since the L/A chapter's start in 2002, about 150 homes have been repaired in the Lewiston/Auburn area. The average cost of each project is approximately $2,500.

Rebuilding Together Lewiston/Auburn is requesting a $10,000 donation from Auburn's American Rescue Plan Act (ARPA) funds.

This project aligns with ARPA's focus area 2.18 – Housing Support: Other Housing Assistance.

City Budgetary Impacts: None

Staff Recommended Action: Allocate $10,000.00 from ARPA funds to Rebuilding Together Lewiston/Auburn who will make necessary repairs to homes of those financially unable to do so.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Rebuilding Together™
Lewiston / Auburn

10/18/2023

Re: ARPA funding request

Dear Honorable Mayor Levesque, Manager Crowell and City Council:

Together with the help of many businesses and individuals in our caring community, Rebuilding Together Lewiston/Auburn has done some amazing work over the past twenty-one years. This includes making repairs to approximately 50 Auburn homeowners.

Since 2002 when RTLA was established by John Scott Johnson, a Bates student and the son of the founder of this national non-profit organization, we have maintained our mission by making necessary repairs for safety as well as improvements for the preservation of homes for about 150 homes in the Lewiston/Auburn area. We cater to homeowners who, because of limited finances, are unable to make necessary repairs to their home to maintain and stay in them. The work we do is made possible by donations and volunteers, and this is why I write to you today.

I ask you to consider making a donation of $10,000 to help us continue our work. Over time we have developed an average budget of $2,500 per home which reflects just the costs of material and support (such as food for the volunteers). Volunteer labor is not included in this budget cost per home. Attached is a pamphlet that tells you a little about Rebuilding Together L/A, and below are links to the national website, as well as our chapter in Lewiston/Auburn and a recent Sun Journal article highlighting a recent project. I've enclosed a list of our Board members with contact information. Feel free to call on us with any questions.

And please, if you know of someone in need of home repairs, give them a copy of the enclosed application form. While we can't help everyone who applies, we do our best to help as many as possible with the volunteers and money we have available.

Thank you for your thoughtful consideration.

Sincerely,

David Trask
Vice President
Rebuilding Together Lewiston/Auburn

National: https://rebuildingtogether.org/
Lewiston/Auburn: https://rebuildingtogetherla.org/
Sun Journal: https://www.sunjournal.com/2023/10/17/sellers-and-rebuilders-unite-to-help-veteran-with-home-makeover-in-lewiston/

Rebuilding Together.
Lewiston/Auburn
P. O. Box 7161
Lewiston, Maine 04243-7161

Rebuilding Together Lewiston/Auburn is a non-profit organization supported entirely by contributions of time, labor, material and money. We are dedicated to repairing homes of those who, due to financial hardship, age, and/or disability, cannot do the work themselves. Skilled and unskilled volunteers along with able-bodied members of the recipient's family and friends complete the repairs at no cost to the homeowner.

Home safety is the first priority of RTLA. Volunteers provide improvements that enhance the safety and comfort of your home. Because it is primarily a one-day project, major structural repairs are not possible. Also, we need you to understand that time may prevent the volunteers from accomplishing everything that you would like to have done in your home.

To be considered for the program, please complete the enclosed application and return it to Rebuilding Together Lewiston/Auburn at the above address. Please include a verification of income with your application.

If you have any questions about the program or if you need assistance in completing the application, please call 207-344-3232 and leave a message, or email rebuildingtogetherla@gmail.com . A member of the board will get back to you. Final site selections should be made by the first of September and all applicants will be notified by phone or in writing as to whether or not their home has been selected for our program.

This year's Rebuilding Day is May 13, 2023.

Applications must be received by March 31, 2023

Application:

Name: _____

Address _____

Phone: _____ Age of Homeowner: _____

How did you hear about Rebuilding Together? _____

Do you own your home? _____ Number of people living in your home: _____

Do you plan to sell your home within the next 18 months? _____

Do you own other property? _____

If so, what is that property used for?

Have you applied to Rebuilding Together in the past? _____ When? _____

Has your home received services from Rebuilding Together? _____ When? _____

Total family income per month:

_____

List sources of all income (i.e. Social Security, SSI, AFDC, VA Benefits, etc.):

Is the homeowner or anyone else residing in the home disabled? Yes_____ No_____

The Fair Housing Act defines disability as a physical or mental impairment that substantially limits one or more major life activities. The Supreme Court has determined that to meet this definition a person must have an impairment that prevents or severely restricts the person from doing activities that are of central importance in most people's daily lives. The disability must be permanent (of continual or long duration).

List the most necessary work needed in order to make you home safe, secure and weatherproof or to adapt the home to a family member's disability. (Funds are limited and not all repairs can be made.)

_____Electrical	_____Exterior Painting	_____Interior Painting
_____Plumbing	_____Wall Repairs	_____Roof Repairs
_____Yard Work	_____Floor Repair	_____Door Repair
_____Ramp Installation	_____Ramp Repair	

_____Other (Please specify):

_____

_____

My signature below indicates that the information provided above is accurate and complete. I have read the information provided by Rebuilding Together Lewiston/Auburn and have a basic understanding of the program and its process. I give Rebuilding Together Lewiston/Auburn volunteers my permission to inspect my home for purposes of home selection and/or repair.

_____ _____

Signature of Applicant Date of Application

Rebuilding Together does not discriminate on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, marital or parental status, age, or disability.

Above is the founder of the national organization Rebuilding Together, the late Patty Johnson, and her son who started the Lewiston/Auburn chapter, John Scott Johnson, Bates College alum, class of 2004. Since the L/A chapter's start in 2002, about 150 homes have been repaired in the L/A area. We are forever grateful to Patty and John Scott for bringing this great organization to our area.

Check us out on:

FACEBOOK
Rebuilding-Together-LA-Maine

THE WEB
rebuildingtogetherla.org

NATIONAL WEBPAGE
rebuildingtogether.org

REBUILDING TOGETHER L/A BOARD

L-R from top:
Alina Burke, Northpoint Mortgage Inc.
Linda Churchill
Russ Dillingham, Sun Journal
Jim Dowling
Todd Gagne, Nason Mechanical Systems
Shanna Green, Bates College
George Greenwood, Westlake Properties LLC
Alan Hahnel, Hahnel Bros. Co.
John Ouellette, Precision Builders
David Trask, The Jackson Laboratory

Rebuilding Together®
Lewiston/Auburn

Volunteers for Rebuilding Day

The local chapter of a national non-profit whose mission it is to . . .

REPAIR HOMES
REVITALIZE COMMUNITIES
REBUILD LIVES

. . . and it's all made possible by donations and volunteers.

Rebuilding Together Lewiston/Auburn (RTLA) is a non-profit organization supported entirely by contributions of time, labor, material, and money. We are dedicated to repairing homes of those who, due to financial hardship, age, and/or disability, cannot do the work themselves. Skilled and unskilled volunteers, along with able-bodied members of the recipient's family and friends, complete the repairs at no cost to the homeowner.

If you are in need of these services or know of someone that is, or if you would like to volunteer, please contact RTLA for an application or additional information.

You can reach us at:
rebuildingtogetherla@gmail.com
or call 207-344-3232

Applications are also available on our website or FB page.

TO MAKE A DONATION: Send a check to Rebuilding Together L/A, PO Box 7161, Lewiston, ME 04243-7161 or visit our website: rebuildingtogetherla.org

ORDER 145-11062023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby approves the allocation of $10,000.00 from the American Rescue Plan Act (ARPA) funds to the Rebuilding Together Lewiston/Auburn who will make necessary repairs to homes of those financially unable to do so.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
November 20, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Joint Workshop of the City Council and School Committee

A. Audit - Runyon Kersteen Ouellette
B. Fund Balance Discussion – Phil Crowell
C. American Rescue Plan Act (ARPA) Update – Phil Crowell
D. 87 Mill Street Garage Removal for Riverside Trail Access – John Blais and Derek Boulanger

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Walker

Pledge of Allegiance

I. Consent Items – None

II. Minutes – November 6, 2023, Regular City Council Meeting

III. Communications, Presentations and Recognitions

- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

VI. New Business

1. **Order 146-11202023**
   Approving the Mass Gathering Permit for the New Year Auburn Event to be held on December 31, 2023 in Festival Plaza. Public hearing and vote.

2. **Order 147-11202023**
   Allocating funds from the American Rescue Plan Act (ARPA) for the Public Safety Wellness Program.

3. **Order 148-11202023**
   Recreation Department Youth Scholarships.

4. **Order 149-11202023**
   Approving the Miller Street discontinuance.

5. **Order 150-11202023**
   Approving Tax Increment Financing (TIF) District #29, 186 Main Street.

6. **Order 151-11202023**
   Approving Tax Increment Financing (TIF) District #30, Diamond Point Storage.

7. **Ordinance 24-11202023**
   Amending the zoning map to rezone all areas in the LDRR or RR zoning district within the Lake Auburn watershed to the LDCR zoning district. First reading.

8. **Ordinance 26-11202023**
   Amending the zoning map for parcel ID 289-001, 289-002, and 277-026 from AGRP to GB. First reading.

9. **Ordinance 27-11202023**
   Amending the zoning map to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. First reading.

10. **Ordinance 28-11202023**
    Amending the Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. First reading.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: Eric J. Cousens, Planning and Permitting Director

Subject: Workshop on 87 Mill Street Garage Removal for Riverside Trail Access – Comprehensive Plan Implementation Funding.

Information: In 2012 Rolly's (R&K Properties LLC) acquired a piece of Parce 221-074 from the City of Auburn to construct an addition to the restaurant in exchange for giving the City a piece of Parcel 221-076 that would allow for the future construction of a trail along the Little Androscoggin River that connects from South Main Street to Anniversary Park(see attached property map). Part of that agreement was to demolish the rear portion of the garage that now sits on the land acquired by the City. The garage was built in two sections and the demolition of the rear portion is technically possible, but we have determined through contractors estimates that it will cost significantly more than demolishing the entire structure and replacing the portion retained by R&K Properties LLC. Removal and repair of the rear wall was promised to the property owner and has taken some time to work out the details. The existing building has been used primarily for community storage and personal storage and the owner has prioritized community storage of seasonal decorations and the Marshall Popcorn Truck.

We are ready to remove the structure and the property owner is open to replacement of a structure of a similar size to match the existing front portion of the building in the approximately same location. We have demolition cost estimates that are dependent on timing during the off season this fall/winter for $30,000. We are working on finalizing an updated budget and building specification for the replacement structure and expect to have agreements with the owner and budget pricing soon. Completion of this project is required to complete previous agreements with the owner and is the most cost-effective way to create access for the trail and eliminate the deteriorating rear portion of the structure. We have CDBG and demolition funding to complete the demolition already appropriated. We need the Council to approve expending available Comprehensive Plan implementation funds for the replacement structure in order to move this forward. This is for Council information and background and we will have a not to exceed budget proposal for the use of already approved CIP Comprehensive Plan Implementation Funds at the December 4, 2023 Council Meeting.

Staff is preparing estimates and will balance the desire to minimize costs with the goals of creating an attractive, flexible use structure that can continue to meet the private and community needs that the existing structure has served.

City Budgetary Impacts: Demolition and Replacement Costs.

Staff Recommended Action: Staff Recommended Action: Staff recommends that the Council discuss the proposal and provide any feedback as we prepare for considering allocating funds on December 4th.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Map, Property Swap approval 2012, Comprehensive plan excerpts

87 Mill Street Property Map – Demolition and replacement of garage

Red Box/X indicates garage location. In 2012 Rolly's (R&K Properties LLC) acquired a piece of Parce 221-074 from the City of Auburn to construct an addition to the restaurant in exchange for giving the City a piece of Parcel 221-076 that would allow for the future construction of a trail along the Little Androscoggin River that connects from South Main Street to Anniversary Park. Part of that agreement was to demolish the rear portion of the garage that now sits on the land acquired by the City. The garage was built in two sections and the demolition of the rear portion is technically possible, but we have determined through contractors estimates that it will cost significantly more than demolishing the entire structure and replacing the portion owned by R&K Properties LLC.

Comprehensive Plan Excerpts

2021 Recreation Chapter Strategies:

Strategy E.1.2.b: Support the connection of local recreational facilities along the Androscoggin River with riverfront facilities in other communities, such as the Androscoggin Riverlands and Lewiston.

Strategy E.1.2.c: Identify and develop new land and water access points that create connectivity with the Androscoggin and Little Androscoggin Rivers and surrounding recreational opportunities. Utilize public and private resources to mitigate financial, recreational, and cultural impacts.

New Auburn Master Plan Strategies

Recreation Objective B: Encourage LA Trails' efforts to create a trail system, where feasible, within the "greenbelt" linking the open spaces to the sidewalk network and major destinations such as schools and the business district (see Map 2, page 20).

i. Support efforts to develop a trail connection between the Barker Mill Trail and Moulton/West Pitch Park through the establishment of a pedestrian bridge across the Little Androscoggin River.

Recreation Objective 1.C: Support organizations such as the Androscoggin Land Trust and LA Trails in their efforts to develop and maintain boat launches and other riverfront recreational amenities.

Page 23 New Auburn Master Plan Table 3: Priority Recreation/Conservation Connections (Map 2, page 20)

Barker Mill Trail along Little Androscoggin River Broad Street/Sherwood Forest connection

A Second Street riverfront corridor from Mill St./Main St. to Broad St.

An east/west trail corridor connection between Riverside Dr. and So Main St. Barker Mill Trail connection to Moulton/West Pitch Park

Map 2:
New Auburn Sidewalks, Trails, and Bike Lanes
Broad St
Washington St S
Mill St
Thirteenth St
Barker Mill Trl
Albiston Wy
Hutchins St
Myrtle St
Maple St
Academy St
Moulton/ West Pitch Park
Elm St
Vine St
Main St
Riverwalk Trl
Bonney Park
Laurel Av
Newbury St
Barker Arm
Sherwood Heights
Sherwood Dr
Marian Dr
Pulsifer Field
Short St
Eighth St
Sixth St
Third St
Fourth St
Little Andy Park
Cook St
Seventeenth St
Bolster St
Patton St
Fulton St
Tenth St
Gill St
Rock St
Second St
Seventh St
Fifth St
Gill St
Brook St
Loring Av
Mary Carroll St
Joseph Ln
Boone Av
Truman Av
Walton
Huston Farm
Oak Point
Riverside Dr
Laureat Av
Roy Av
Doe St
Candia St
Ipswich St
Gosnold St
Flanders St
Enfield St
Reginald St
Paul St
Louise St
Lucille St
Olive St
Vivian St
Jordan Av
Legend
Open Space/Parks
Existing Sidewalks
Possible Sidewalk Connections
Key Crosswalk Locations
Existing Trails
Possible Trail Connections
Possible Designated Bike Lanes
0
0.125
0.25
0.5
Miles

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

July 26, 2012

Ken Blais
R&K Properties, LLC
87 Mill Street
Auburn Maine 04210

Re: **87 Mill Street, Auburn Maine 04210 / Property ID # 221-076, 221-075 and a portion of 221-074 / Zoning Conformance Letter**

Dear Mr. Blais:

I am writing in regard to the property located at 87 Mill Street, Auburn Maine 04210 (PID # 221-076). The subject property is located within the General Business (GB) zoning district and is occupied by an existing building and business, namely Rolly's Diner. City records indicate that the abutting lot (PID 221-075) is held in common ownership with 87 Mill Street (PID#221-076). As we have discussed the owner of the above mentioned properties intends to acquire a portion of the abutting parcel (PID#221-074) best described as a 25'wide strip of land along the western side of the property as shown on the attached map. With that acquisition and the combination of the three parcels noted above, the City will consider the parcels as one lot for zoning and permitting purposes.

The GB zoning district requires the following for setbacks:

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

To determine the front setback for the parcel, we need to look at the *lots next thereto on either side.* The land to the west between the parcel in question and the Little Androscoggin River is a Public Easement and not a lot for the purposes of this determination. The first lot to the

northwest along Main Street is 374 Main Street (PID#221-073) which is occupied by a building with a zero (0) front setback. The first lot to the southeast along Main Street/South Main Street is 80 Mill Street (PID#221-078) which is occupied by a building with a zero (0) setback along South Main Street. Therefore, the average depths of *lots next thereto on either side* is zero (0) and the front setback requirement for the combined parcels to be known as 87 Mill Street will be zero (0). Any new structures or additions on that parcel will be allowed a zero (0) front setback along Main Street.

The side setback for this parcel will be 25' and will be met on the 25' strip of land that the owner of the above mentioned property intends to acquire.

Should you have any questions regarding this matter please don't hesitate to contact me at 333-6601 Extension 1154.

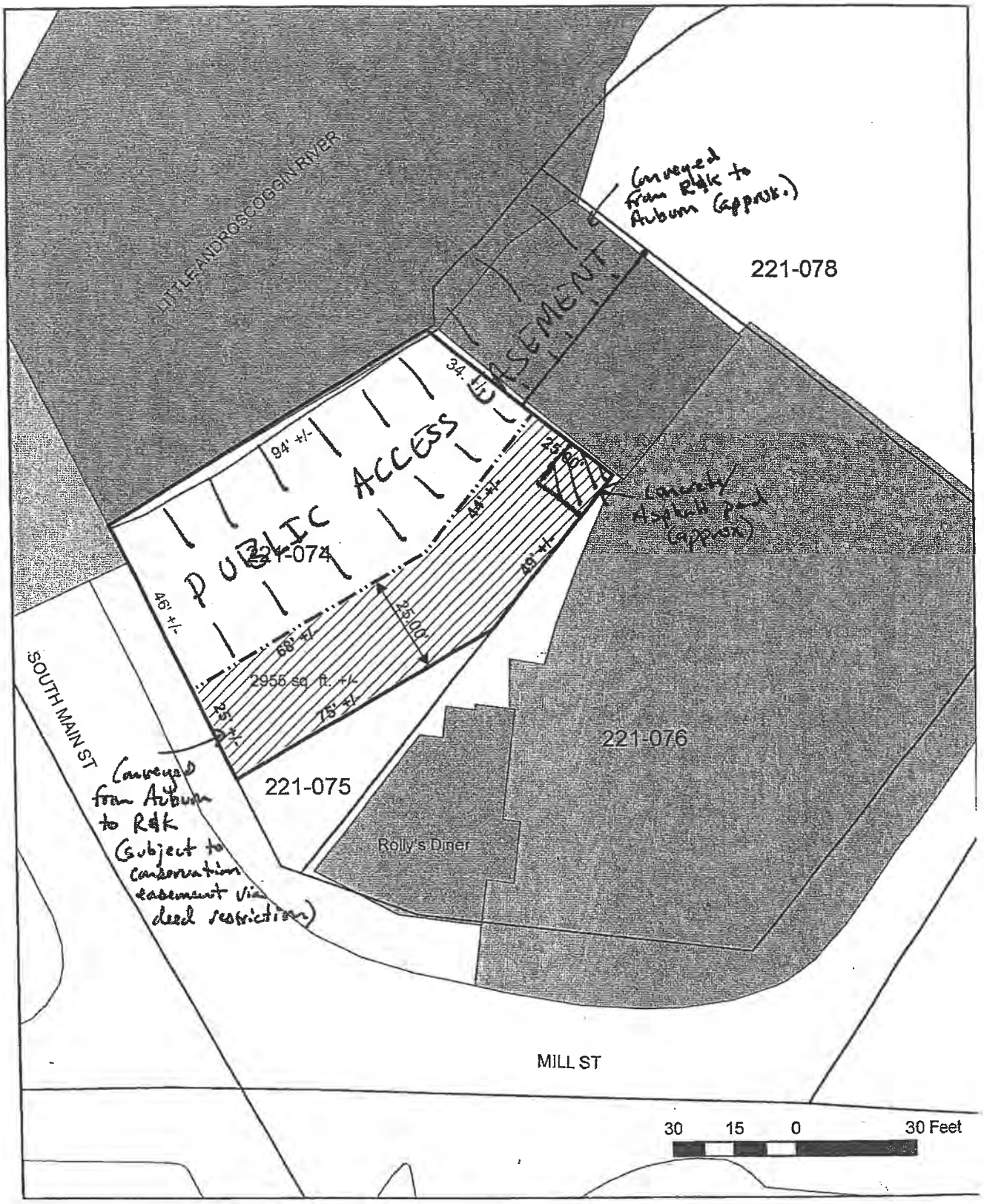
Sincerely,

Eric Cousens

Eric J. Cousens
Director of Planning and Permitting

Cc: Planning Department Property File

Proposed Conveyance to R & K Properties LLC



IN COUNCIL REGULAR MEETING NOVEMBER 6, 2023, VOL. 37 PAGE 99

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Whiting had an excused absence. All other Councilors were present.

7:00 P.M. City Council Meeting

Pledge of Allegiance

Moment of Silence and In Memoriam to pay respect to the 18 victims of the October 25, 2023 mass shooting event in Lewiston.

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 142-11062023
Appointing Warden's and Ward Clerks for the Nov. 7, 2023 Election.

Motion was made by Councilor Morin and seconded by Councilor Walker for passage.

Passage 6-0.

II. Minutes

October 16, 2023, Regular City Council Meeting
Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the October 16, 2023, Regular City Council Meeting.

Passage 6-0.

October 23, 2023, Special City Council Meeting
Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the October 23, 2023, Special City Council Meeting.

Passage 6-0.

III. Communications, Presentations and Recognitions

- Mayor Levesque recognized Hilary Dacko-Roy, Todd Pelletier, and Dan Hall, representatives of Hannaford Supermarket for Hannaford's generous donation to be used for a second Project Support You responder in the city.
- Communication – Special Event/Mass Gathering Application for New Year's Eve Auburn Event
- Public Safety Wellness Program presented by Police Chief Jason Moen and Fire Chief Robert Chase and guests Dr. Ben Stone and Vince Pallozzi who attended via Zoom
- Council Communications (about and to the community)

Mayor Levesque reminded the public that the polls open at 7:00 am tomorrow and encouraged residents to vote; on Friday, December 1st there will be a tree lighting and

Christmas Shopping Village opens in Anniversary Park; there will be a holiday shopping event at the Hilton Garden on Thursday, November 30th from 5:00 to 7:00 pm.

Manager Crowell provided an update on the recycling program. He also announced that starting Wednesday night at 7:00 pm, the St. Louis Bells will ring 18 times over the course of 18 weeks to honor the 18 victims of the October 25th shooting event. He reminded Councilors that they have two more meetings for the remainder of this term, November 20th and December 4th. Some items coming up are a report from our auditors, the Miller Street discontinuance, and the Lake Auburn ordinance amendments.

Councilor Staples thanked the City Clerk for the work put into the upcoming election.

Councilor Walker announced that there will be a Thanksgiving Dinner held on Thursday, November 23rd at the Senior Community Center hosted by the Age Friendly Community Committee. They are asking for donations of $5.00 and are also requesting that anyone interested in attending call the Recreation Department at ext. 2101 by November 20th so they can get a count on how many will be attending.

Councilor Gerry said she has been asked what we have planned for people to get out of the elements as it gets colder.

IV. Open Session – No one from the public spoke.

V. Unfinished Business

1. Ordinance 22-10162023
Amending the Auburn Zoning Ordinance – Minimum Dwelling Size. Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – No one from the public spoke.

Passage 6-0. A roll call vote was taken.

2. Ordinance 23-10162023
Amending the Auburn Zoning Map, Area B change, from UR, SR, and LDCR to T4.2B. Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public hearing – Scott Crane, 271 Vickery Road, reiterated what fellow neighbors and citizens have said and would like council to vote no on this item.

Pam Rousseau, 745 West Auburn Road, also would like council to vote no on this item adding that she does not think it is right to allow 16 units per acre.

Failed 0-6. A roll call vote was taken.

3. **Public hearing -** Miller Street Discontinuance.

The Mayor opened the public hearing at 7:40 pm. No one from the public spoke. The Mayor closed the public hearing at 7:40 pm.

VI. New Business

1. **Order 143-11062023**
Approving the discontinuance of Chestnut Street.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment - No one from the public spoke.

Passage 5-1 (Councilor Walker opposed).

2. **Order 144-11062023**
Amending the Downtown Omnibus TIF #10. Public hearing and vote.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public hearing – No one from the public spoke.

Passage 5-1 (Councilor Gerry opposed).

3. **Order 145-11062023**
Allocating $10,000.00 from ARPA (American Rescue Plan Act) funds to Rebuilding Together Lewiston/Auburn who will make necessary repairs to homes of those financially unable to do so.

Motion was made by Councilor Gerry and seconded by Councilor Staples for passage.

Public comment – David Trask spoke on behalf of Rebuilding Together Lewiston - Auburn, thanked the City Council for considering this request.

Passage 6-0.

4. **Open Session**

Chaplain Eddie Greyfox Burgess urged Veterans to go to the Auburn Mall for a Hire a Vet Campaign and Resource Fair on November 9th. The Green Ladle will be holding lunch on the 8th and there will be many resources at the Fall Festival at Cabella's. He added that there are also many services for active-duty individuals.

5. **Reports (from sub-committees to Council)**

Mayor Levesque announced that the Auburn Exchange Club will be offering a free Annual Veteran's lunch at the Green Ladle on November 8th and encouraged veterans to join him. He reported on the School Committee meeting that was held on Wednesday. Last, he noted that the Victims Resiliency Center will be opening up on the 13th of November at 184 Main Street in Lewiston.

City Manager Crowell thanked the team in Auburn for collaborating and working alongside Lewiston during the October 25th incident. He also commended the communications team at the 9.1.1 center that fielded over 700 calls between 7:00 pm and midnight. He thanked the City Council, the Mayor, members of the community and city staff for their efforts.

IX. Executive Sessions - None

X. Adjournment

Motion was made by Councilor Morin and seconded by Councilor Hawes to adjourn.

Unanimously approved and the meeting adjourned at 7:58 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: Jennifer Boenig, Downtown Coordinator

Subject: Approving the Mass Gathering for New Year's Auburn event

---

Information: New Year's Auburn is scheduled for Sunday, December 31, 2023 from 3:00-9:00 PM. The event will be held in Festival Plaza and on Main Street which will be closed with public works trucks and barricades. This free community event will feature live music, craft brews, food trucks and more.

A mass gathering is defined as any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for two or more hours.

City Budgetary Impacts: This event is budgeted through the Communications Department.

Staff Recommended Action: Hold the public hearing and motion to approve the mass gathering.

Previous Meetings and History: Communication to council on November 6, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

- Application for New Year's Auburn mass gathering
- Public Notice
- Order

Date received: _____

Date approved: _____

CITY OF AUBURN
SPECIAL EVENT/MASS GATHERING APPLICATION

Required for any special event on city property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

****

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 10.31.2023

SPONSOR INFORMATION

Name of Sponsoring Organization: City of Auburn

Name of Contact Person for Event: Jennifer Boenig

Title of Contact Person: Downtown Coordinator

Mailing Address: 60 Court Street, Auburn, ME 04210

Daytime Telephone: 207.333.6601 ext.1132 Cell Phone: 207.576.5348

Email Address: jboenig@auburnmaine.gov

Contact Name and Cell Phone Number DURING the Event: Jennifer Boenig, 207.576.5348

Is your organization incorporated as a non-profit organization? Yes ☐ No ☐

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: New Year's Auburn

Type of Event (walk, festival, concert, etc.): festival

Date of Event: Sunday, December 31, 2023 Rain Date: na

Times of Event: Start Time including set-up: 9 AM Ending time including clean up: 12A

Actual Event Start Time: 3 PM Actual Event End Time: 9 PM

Estimated Attendance: 4,500 people

Location of Event: Festival Plaza and Main Street

Have you held an event at this location within the last 12 months? Yes ☑ No ☐

If the location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved?

Yes ☐ No ☐ Pending ☐ Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Not permitted	**CROSS-STREET BANNERS** Please note that the city no longer allows cross-street banners.			
Separate fee and permit possible	**FOOD** – Will food or beverages be sold? If yes, list what types of food or beverages: Auburn licensed food trucks and vendors will be selling food. Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	☑	☐	☐
Separate fee and permit possible	**NON-FOOD ITEMS** – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: possible band merch for sale. Note - A peddler permit may be required and must be submitted 14 days prior to the event.	☐	☐	☑
N/A	**LIVE MUSIC** – Will there be any outdoor musical performances? If yes, please describe: 3 bands will be taking the stage.	☑	☐	☐
N/A	**SOUND AMPLIFICATION** – Will there be a microphone or speaker system to project sound?	☑	☐	☐
Separate fee and permit possible	**ALCOHOL** – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	☑	☐	☐
Separate fee and Permit required	**CARNIVAL** – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	☐	☑	☐
Separate fee and Permit required	**FIREWORKS** – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	☑	☐	☐
N/A	**PARADE** – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	☐	☑	☐
N/A	**RUN/WALK/CYCLE** – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route:	☐	☑	☐
Separate permit required	**BURN PERMIT** – Will there be any open flame such as a bonfire? If yes, describe activity: Note - A permit from the Fire Department is required.	☐	☑	☐

N/A	**TENT/CANOPY** – Will you be setting up a tent or canopy? If yes, list number and sizes: three 20x40 tents in the plaza along with some 10x10 ez-ups; covered stage	☑	☐	☐
Separate fee and permit required	**ELECTRICAL POWER/EQUIPMENT** – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? sound, audio production equipment provided by HPA Productions	☑	☐	☐
N/A	**ROAD/INTERSECTION CLOSURE** – Will any roads need to be closed to accommodate your event? If yes, please list: Main Street from Miller Street to Court Street, hard closures with PW trucks.	☑	☐	☐
N/A	**MAP/DIAGRAM** – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	☑	☐	☐
N/A	**PARKING ACCOMODATIONS** – What will be the anticipated need for parking and what is your parking plan? 131 Main Street and city parking garage	☑	☐	☐
N/A	**TOILETS** – Please list amount at event and/or nearest location: 12 portable toilets inside the alcohol permitted area.	☑	☐	☐
N/A	**WASTE DISPOSAL** – Please list process and location: 12 trash cans throughout the plaza and Main Street	☑	☐	☐
N/A	**HAND WASHING FACILITIES** – Please list amount at event and/or nearest location: portable toilets and hand sanitizer available at food & beer vendors and entry points.	☑	☐	☐
N/A	**POTABLE WATER** – Please list amount at event and location: bottled water in pump house	☐	☑	☐
N/A	**FIRST AID FACILITIES** – Please list location at event: Auburn Fire on-site	☑	☐	☐
$	**TOTAL FEE INCLUDED** – Checks payable to "City of Auburn"			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc., the city requires general liability insurance coverage. The **City of Auburn** is to be named as "additionally insured" for the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed on the Certificate of Insurance (minimum coverage $1,000,000 Bodily Injury or Death, per occurrence, and $300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

New Year's Auburn is a free community event, celebrating the new year with live music, local craft brews, food trucks, fireworks and fun in the heart of downtown Auburn.

Signature of Applicant: Jennifer Boenig Printed Name: Jennifer Boenig Date Submitted: 10-31-23

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

******FOR STAFF USE******

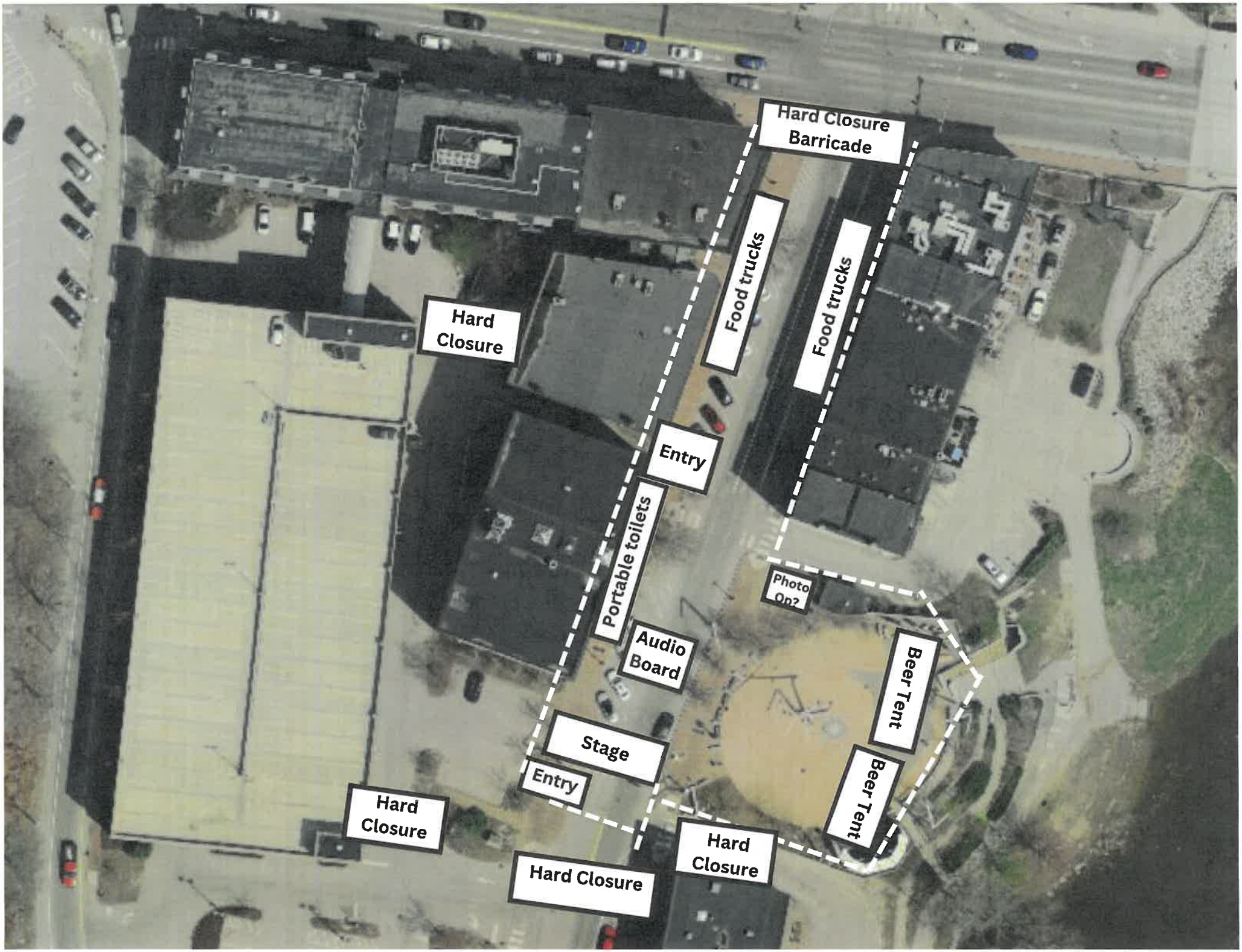
DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied:_____ Date applicant notified: _____


Hard Closure Barricade
Food trucks
Food trucks
Hard Closure
Entry
Portable toilets
Photo Op?
Audio Board
Beer Tent
Stage
Entry
Beer Tent
Hard Closure
Hard Closure
Hard Closure

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

A public hearing will be held by the Auburn City Council on November 20th, 2023, at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Special Event/Mass Gathering application for:

New Year's Auburn, to be held at Festival Plaza/Main Street and surrounding areas on December 31st.

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

ORDER 146-11202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Mass Gathering permit for the December 31, 2023 New Year's Auburn event sponsored by the City of Auburn.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: Police Chief Jason Moen and Fire Chief Robert Chase

Subject: Public Safety Wellness Program

Information: According to national statistics, first responders are more likely to develop heart disease at rates that supersede rates of heart disease found in civilian populations, develop heart disease at younger ages than observed in civilian populations and most importantly law enforcement/fire-fighters develop heart disease absent of clinical markers classically associated with early-onset heart disease. Additionally, Maine's "presumption laws" has identified many forms of cancer where a firefighter received the injury or contracted the disease arising out of and in the course of employment.

In an effort to proactively reduce the risk of developing heart disease and cancer, the Chief's of the Auburn Police and Fire Departments are requesting an allocation $150,000.00 from the American Rescue Plan Act (ARPA) funds to implement a comprehensive cardiac and cancer laboratory screening evaluations for all personnel that includes nutritional and exercise recommendations. The evaluation will also include a cardiopulmonary/ EKG exercise stress test and offer dietary and exercise recommendations during a physician consultation.

The implementation of this program is an allowable expenditure under ARPA's final rule – 3.3 – *Public Health-Negative Economic Impact: Public Sector Workforce: Other*

City Budgetary Impacts: None

Staff Recommended Action: Vote to allocate $150,000.00 from ARPA funds to implement a Public Safety Wellness Program for personnel of the Auburn Police and Fire Departments.

Previous Meetings and History: Presentation to City Council – November 7, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

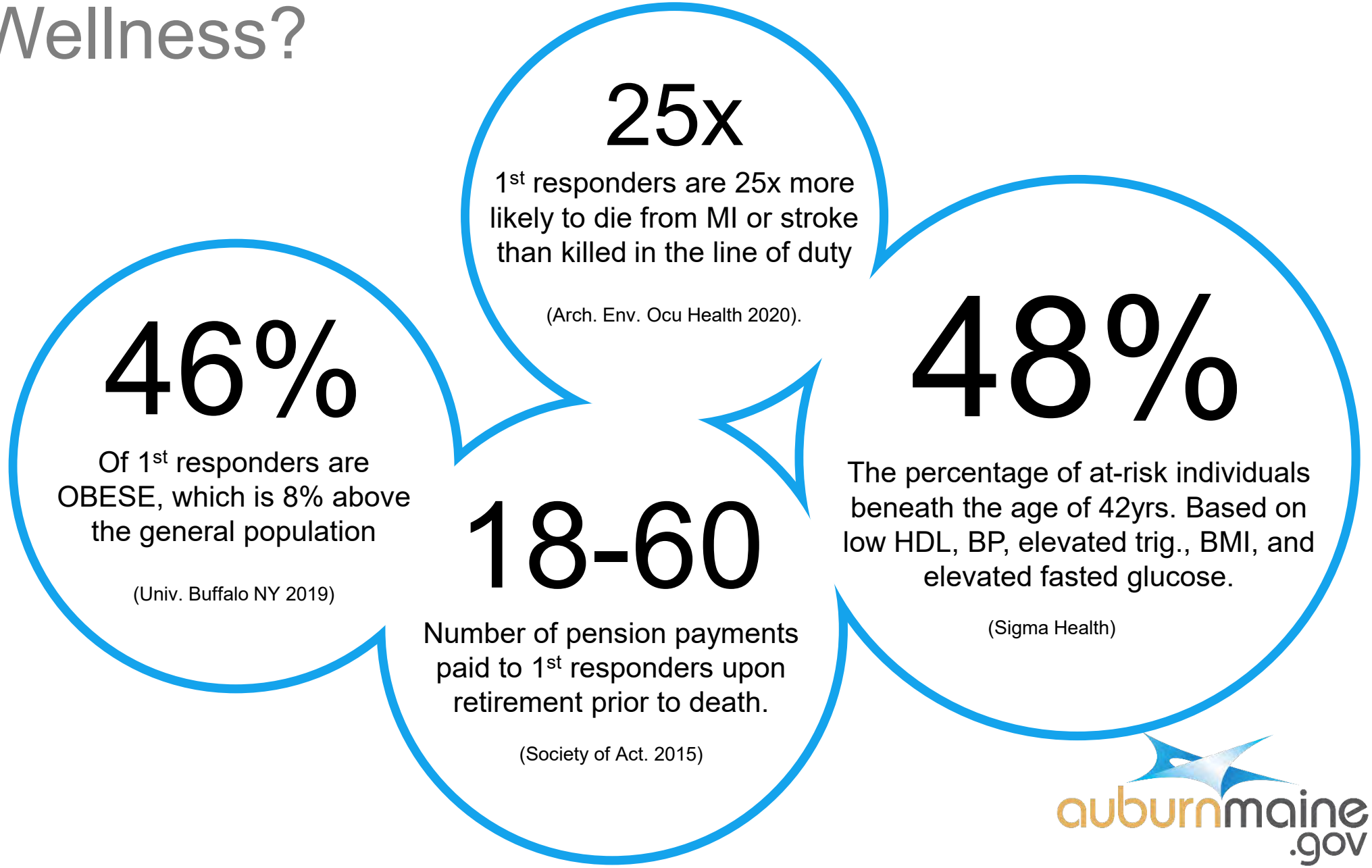
Attachments:

- Power Point presentation

Auburn Public Safety

Wellness Project

Why Wellness?



auburnmaine.gov

Three Questions Plaguing Public Safety

1. **First Responders develop heart disease at rates that supersede rates of heart disease found in civilian populations**

2. **First Responders develop heart disease at younger ages than observed in civilian populations**

3. Law-Enforcement/Fire-Fighters develop heart disease absent of clinical markers classically associated with early-onset heart disease

auburnmaine.gov

Maine Presumption Laws

Title 39-A §328-B. Cancer suffered by a firefighter

Cancer suffered by a firefighter is governed by this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cancer" means kidney cancer, non-Hodgkin's lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple myeloma, prostate cancer, testicular cancer, breast cancer or gynecologic cancer.

C. "Firefighter" means a member of a municipal fire department or volunteer fire association whose duties include the extinguishment of fires, an investigator or sergeant in the Office of the State Fire Marshal or an employee in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry whose duties include the extinguishment or investigation of fires.

2. Presumption. If a firefighter who contracts cancer has met the requirements of subsections 3, 6 and 7, there is a rebuttable presumption that the firefighter contracted the cancer in the course of employment as a firefighter and as a result of that employment, that sufficient notice of the cancer has been given and that the disease was not occasioned by any willful act of the firefighter to cause the disease.

Title 39-A §328. Cardiovascular injury or disease and pulmonary disease suffered by a firefighter or resulting in a firefighter's death

Cardiovascular injury or disease and pulmonary disease suffered by a firefighter or resulting in a firefighter's death are governed by this section

1. Firefighter defined. For the purposes of this section, "firefighter" means an active member of a municipal fire department or of a volunteer firefighters association if that person is a member of a municipal fire department or volunteer firefighters association and if that person aids in the extinguishment of fires, regardless of whether or not that person has administrative duties or other duties as a member of the municipal fire department or volunteer firefighters association.

2. Presumption. There is a rebuttable presumption that a firefighter received the injury or contracted the disease arising out of and in the course of employment, that sufficient notice of the injury or disease has been given and that the injury or disease was not occasioned by the willful intention of the firefighter to cause self-injury or injury to another if the firefighter has been an active member of a municipal fire department or a volunteer firefighters association, as defined in Title 30-A, section 3151, for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and if:

A. The disease has developed or the injury has occurred within 6 months of having participated in fire fighting, or training or drill that actually involves fire fighting; or

B. The firefighter had developed the disease or had suffered the injury that resulted in death within 6 months of having participated in fire fighting, or training or drill that actually involved fire fighting.

auburnmaine.gov

Sigma Tactical Cardiac Screening

- Sigma has pioneered a new system of cardiac/metabolic screening correlating known risk factors, genetics, and occupational stressors that are characteristic of public safety. Over the last five years, Sigma have shown massive potential in eliminating the catastrophic effects of cardiovascular disease amongst first responders.

- Sigma's unique approach uses Advanced Metabolic Testing (AMP) to assess precise nutritional status of each individual and recommend key nutritional changes based on that person's individual goals. For first responders, nutritional status underwrites on-duty performance. Sigma's unique methodology gives each first responder a perfect understanding of how to fuel themselves, not only for on-duty performance, but will also lead to increased focus, alertness, less fatigue, and, in general, higher competency to perform the duties required regardless of the situation.

Dr. Ben Stone

auburnmaine.gov

Sigma Tactical Cardiac Screening

- Sigma offers a comprehensive cardiac laboratory screening evaluation that includes nutritional and exercise recommendations. This evaluation includes a CIMT (carotid intima-media thickness test) and an advanced lipid panel test to assess early stages of coronary disease development and identify inflammatory markers (PLA2) that can predict the risk of heart attack. Additionally, a cardiopulmonary/EKG exercise stress test is performed on a stationary bicycle to measure functional capacity, identify any ischemia (lack of blood flow to the heart muscle), and offer dietary and exercise recommendations during the physician consultation using indirect calorimetry.

- Because the demands of public safety are so extreme, studies have shown that each decade of law enforcement effectively doubles each responder's risk for heart attack or stroke. With Sigma's approach, responders are not only shown the effect of their current nutritional status, but they are guided by a licensed professional and taught which lifestyle modifications, based on results from Sigma's metabolic analysis, that are most effective in decreasing BMI, fatigue, and cardiovascular risk factors while realizing an increase in focus and on-duty adaptability.

auburnmaine.gov

Cancer Screening

- The Centers for Disease Control and Prevention (CDC) and the National Institute for Occupational Safety and Health (NIOSH) have found that cancer is a significant health issue for first responders. In fact, cancer is responsible for approximately 61% of deaths among U.S. firefighters. Furthermore, first responders have a higher risk of being diagnosed with cancer compared to the general population. It is important to prioritize the health and well-being of these professionals by providing comprehensive screening and diagnostic tests, as well as addressing potential health risks and mental health concerns.
- Unfortunately, the first responder community is also plagued by other health issues such as obesity, metabolic syndrome, smoking, alcohol use, and stress, which can compound the risk of cancer and other diseases. It is essential to address these health issues proactively to reduce the risk of developing cancer and other diseases.

auburnmaine.gov

Cancer Screening

Benefits of early disease detection

Early detection of diseases through regular screening and diagnostic tests is critical for several reasons:

- Early detection allows for prompt treatment, which can improve the chances of successful recovery and reduce the need for more invasive and costly interventions.
- Regular screening and diagnostic tests can help monitor the health of individuals in high-risk occupations, such as first responders or healthcare workers, and allow for early detection of work-related health issues.
- Early detection and prevention can not only improve the overall population health by reducing the burden of disease and lowering the risk of transmission, but it can also help individuals maintain their physical and mental health, thus enhancing their quality of life.
- Early detection and treatment can prevent or delay the onset of chronic diseases and reduce the risk of disability and premature death.

auburnmaine.gov

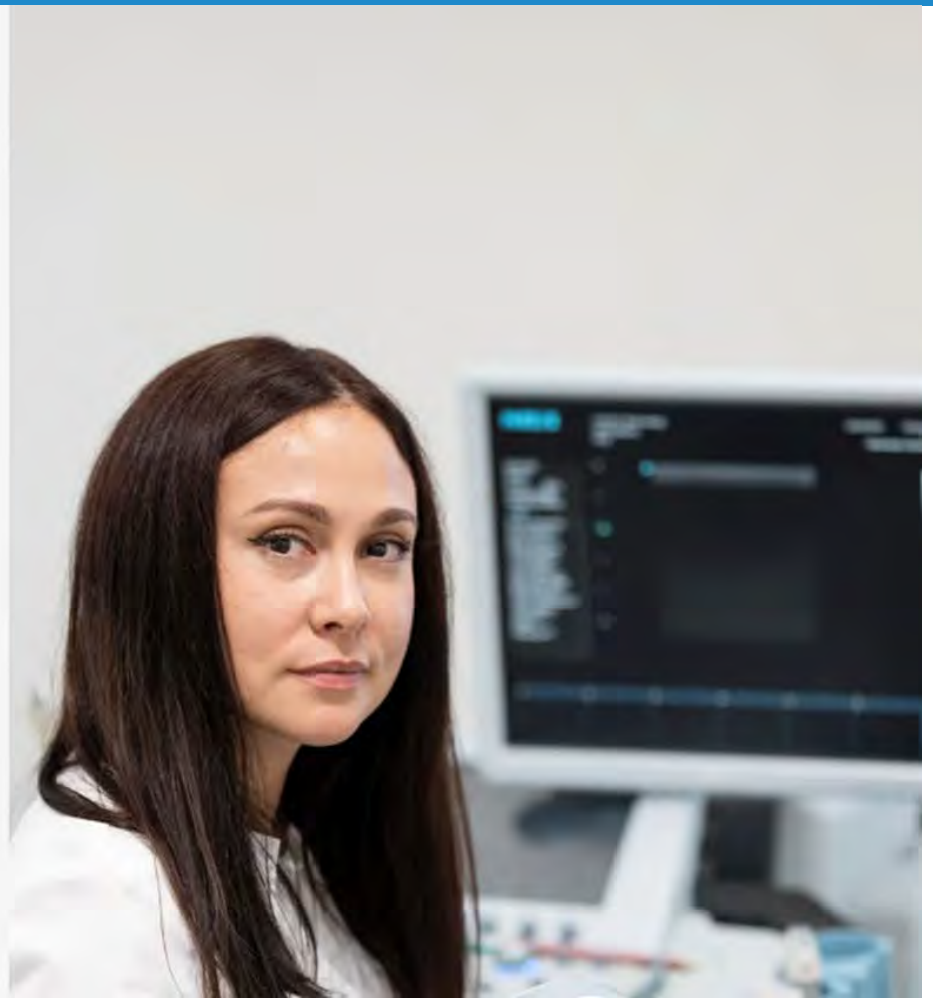
Cancer Screening

Tests and procedures

Comprehensive Screening – Ultrasound

- Echocardiogram (Valve Function, Heart Pumping Ejection Fraction)
- Cartoid Doppler
- Abdominal Aortic Aneurism (AAA)
- Thyroid
- Abdominal and Bladder Ultrasound
- Testicular or Pelvic Ultrasound

UNITED DIAGNOSTIC SERVICES LLC
Saving Lives Through Prevention



auburnmaine.gov

Costs

Cardiac Screening

- Cardiac Laboratory Screening – includes nutritional & exercise recommendations
- Advanced Metabolic Testing
- Cardiopulmonary/EKG exercise stress test
- $799 per responder

Cancer Screening

- Echocardiogram
- Cartoid Doppler
- Abdominal Aortic Aneurism
- Thyroid
- Abdominal & Bladder Ultrasound
- Testicular or Pelvic Ultrasound
- $325 per responder

auburnmaine.gov

ARPA Funding Request

115 First Responders (64 Firefighters, 55 Police Officers)

Cardiac Screening 119 x $799 = $95,081

Cancer Screening 119 x $325 = $38,675

Total Costs - $133,765

auburnmaine.gov

ORDER 147-11202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council allocate $150,000.00 of American Rescue Plan Act (ARPA) funds to implement a Public Safety Wellness Program for personnel of the Auburn Police and Fire Departments.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: Phil Crowell, City Manager

Subject: Recreation Department Youth Scholarships

Information: The mass shootings at Just-In-Time Recreation and Schemengees on October 25, 2023, will forever leave a void and heartbreak in the twin cities of Lewiston and Auburn. Multiple children have been directly impacted by the loss of a parent.

In honor and remembrance of the 18 individuals who perished and 13 individuals who were injured, the City of Auburn Recreation Department would like to provide Youth Scholarships – to include individual sports and summer camps – for each of these children.

City Budgetary Impacts: The Recreation Department will absorb associated costs.

Staff Recommended Action: City Council authorizes the implementation of Recreation Department Youth Scholarships for the children of those who perished or were injured in the October 25, 2023, mass shootings.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 148-11202023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council authorizes the Recreation Department to implement Youth Scholarships - to include individual sports and summer camps - for the children of the 18 individuals who perished and 13 individuals who were injured in the mass shootings in the City of Lewiston on October 25, 2023.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Meeting Date: November 20, 2023

Author: John Blais

Subject: Vote, discontinuance of 90.94+/- Miller Street as a city street per § 3026-A

Information: Step three, in a three- step process once a recommendation is made by the Planning Board. 1.) File order of discontinuance for notification of abutters. (9.19.23) 2. Public Hearing, notification to abutters (11. 6. 23). **3.Approval of order minimum 10 days after the public hearing (11.20.23).**

Today the City Council should hold a public hearing on the discontinuance of Miller Street.

A. The Location of the town way or public easement is attached.
B. Notification of abutting property owners is complete via Certified Mail.

City Budgetary Impacts: None known.

Staff Recommended Action: Vote to approve discontinuance of Miller Street

---

Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023, City Councilor Order and 1st vote September 19, 2023, October 16, 2023., Public Hearing November 6th.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order of Discontinuance, site plan

PROPERTY LINE TABLE

LINE	DIRECTION	DISTANCE
EL1	N 31°35'33" E	20.23'
EL2	N 38°59'07" E	10.54'
EL3	S 31°35'33" W	1.82'

MAIN STREET

REBAR WITH CAP 1278

N 09°30'26" E 88.92'

1/2" IRON IN CONC. WALK

N/F WILLIAM & HALSEY McDONOUGH 214 MAIN ST 2261/145 MAP 231 LOT 021

186 MAIN ST

LAND TO BE CONVEYED TO JCS 18, LLC

N 16°53'58" W 89.52'

S 16°53'58" E 89.52'

MULTI-STORY BRICK COMMERCIAL STRUCTURE

N/F TURSON LLC 178 MAIN ST 7852/280 MAP 231 LOT 019

MILLER ALLEY

REBAR WITH CAP 1278

11.69'
(N 22°43'28" W) (9.48') (TIE LINE)

8.75'

99.54'

N 3°00'14" E 117.11'

S 3°00'14" W 116.97'

RAILROAD SPIKE

9.11'

30.72'

N 5°10'28" E 43.42'

14.32'

19.72'

AREA TO BE CONVEYED TO TURSON, LLC WITH RIGHTS OF USE , ACCESS AND UTILITY EASEMENT 657 S.F.

N 86°26'45" W 15.00'

S 86°03'15" E 29.27'

113.72'

13.26'

18.42'

S 5°10'28" W

N 73°04'09" W 35.62'

S 46°08'03" E 42.26'

S 67°27'21" W 27.13'

PROPOSED SEWER EASEMENT 2,124 S.F.

EL1

EL2

EL3

38.50'

N 5°10'28" E 90.94'

42.28'

AREA TO BE CONVEYED TO JCS 18, LLC 3,127 SF WITH RIGHTS OF USE, ACCESS, AND UTILITY EASEMENT

N/F CITY OF AUBURN 74 MILLER ST 1593/49 MAP 231 LOT 017

MILLER STREET

PROPOSED RELOCATION OF MILLER STREET 4,827 S.F.

N 63°41'54" E 38.62'

S 67°27'21" W 25.65'

33.84'
S 46°08'03" E

S 86°03'54" W 50.72'

S 36°17'25" W 19.38'

N 86°26'45" E 29.62'

15.03'
S 20°28'47" E

107.64'
S 5°10'28" W

N 6°21'32" W 62.94'

N 3°20'50" E 125.34'

AUBURN RIVER WALK

PROPOSED TEMPORARY CONSTRUCTION EASEMENT 17,075 S.F.

GRAPHIC SCALE
10 0 5 10 20
(IN FEET)
1 INCH = 10 FT.

PAUL D. OSTROWSKI, PE 11175

STATE OF MAINE — PAUL D. OSTROWSKI No. 11175 — REGISTERED PROFESSIONAL ENGINEER — 07/28/2023

REV.	BY	DATE	STATUS
H	PDO	07/28/2023	REVISED EASEMENT PLAN
G	PDO	06/05/2023	ISSUED FOR FLOOD HAZARD DEVELOPMENT & NRPA PBR
F	PDO	06/02/2023	REVISED EASEMENT PLAN
E	PDO	05/22/2023	REVISED EASEMENT PLAN
D	PDO	05/18/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO	05/05/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	ACH	01/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS
REV.	BY	DATE	STATUS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS INC.

SEBAGO TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

EASEMENT PLAN

OF:
186 MAIN STREET
186 MAIN STREET,
AUBURN, MAINE 04210

FOR:
JCS 18, LLC
20 MECHANIC STREET
GORHAM, MAINE 04038

RECORD OWNER:
CITY OF AUBURN
60 COURT STREET
AUBURN, ME 04210

DESIGNED	TFG
DRAWN	ABB
CHECKED	PDO
DATE	05/05/2023
SCALE	1" = 10'
PROJECT	220503-01

SHEET 3 OF10

220503 EASEMENT PLAN.dwg, TAB:6 EASEMENT PLAN

F:\Projects\220000\220503\DWG\Design\220503 EASEMENT PLAN.dwg - 7/28/2023 3:32 PM, TANNER F. GOODINE

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

October 18, 2023

RE: Notice of City Council Public Hearing – November 6, 2023

William McDonough
61 Winter Street (mailing address)
Gardiner, Maine 04345
PID: 231-021

Dear Mr. McDonough:

You are receiving this notice pursuant to Title 23 M.R.S.A § 3026-A, 1-6 because the City of Auburn, City Council will conduct a Public Hearing on **Monday, November 6, 2023, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to hear public comment on the following item located abutting property you own:

PUBLIC HEARING/ Miller Street Relocation: 186 Main Street: See attached attested order dated September 25, 2023, and site plan.

In addition, a waiver of damages form is included for your convenience. Please sign and send back to the address found on the waiver:

Additional information is available and may be obtained from the Auburn Planning & Permitting Department by contacting John Blais at (207) 333-6601 ext. 1334 or jblais@auburnmaine.gov.

Regards,

John Blais
Deputy Director of Planning, Permitting and Code

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine
04210 www.auburnmaine.gov |
207.333.6601

October 18, 2023

RE: Notice of City Council Public Hearing – November 6, 2023

William T. Turner
368 Minot Avenue
Auburn, Maine 04210
PID: 231-019

Dear Mr. Turner:

You are receiving this notice pursuant to Title 23 M.R.S.A § 3026-A, 1-6 because the City of Auburn, City Council will conduct a Public Hearing on **Monday, November 6, 2023, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to hear public comment on the following item located abutting property you own:

PUBLIC HEARING/ Miller Street Relocation: 186 Main Street: See attached attested order dated September 25, 2023, and site plan.

The development includes new parking and has been proposed as six (6) additional public parking spaces will be available at 2-hour increments and will be available at will to tenants between 6 PM to 7:00 AM. In addition, to replace the seven (7) R permit location paid for by the abutter the city will offer replacement spots within the city garage at the same rate of $45 a month ($945 quarterly).

In addition, a waiver of damages form is included for your convenience. Please sign and send back to the address found on the waiver:

Additional information is available and may be obtained from the Auburn Planning & Permitting Department by contacting John Blais at (207) 333-6601 ext. 1334 or jblais@auburnmaine.gov.

Regards,

John Blais
Deputy Director of Planning, Permitting and Code

ORDER 149-11202023

City Council Order

IN CITY COUNCIL

ORDERED, that Miller Street, as laid out on plan and titled "Easement Plan", as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds , is hereby discontinued 90.94' +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

Exhibit A
Proposed Street Relocation
Miller Street

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04'09" E across said Miller Steet a distance of 35.62 feet to the northeasterly corner of "Proposed Discontinuation of Miller Street 3,784 S.F." as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10'28" E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08'03" E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28'47" E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10'28" W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17'25" W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24'21" W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35'33" W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10'28" E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10'28" E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

Meaning and intending to describe the area depicted as “Proposed Relocation of Miller Street 4,827 S.F.” as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe

ABUTTERS:

William T. Turner
178 Main Street(physical address)
368 Minot Avenue (mailing address)
Auburn, Maine 04210
PID: 231-019

William McDonough
214 Main Street (physical address)
61 Winter Street (mailing address)
Auburn, Maine 04210
PID: 231-021

DAMAGES:
Amount of Damages: $0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

PUBLIC EASEMENT: All rights for public and private utilities are retained per § 3026-A, (6)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: TIF #29 – 186 Main St

Information:
The 186 Main Street Tax Increment Financing District & Development Program (#29) will enable the construction of a mixed-use building, including 18 residential apartments, retail and restaurant space. 186 Main Street is a mixed-use ~23,116 SF facility that will be the home of a Mason's Brewing location, an additional ~1,500SF commercial retail location along Main Street and 18 residential apartments ranging from studios to one and two bedrooms. This project has received approval from the City's Planning Board and a Traffic Movement Permit from the Maine Department of Transportation.

City Budgetary Impacts:
The City intends to establish new Tax Increment Financing Districts for the purpose of capturing tax revenues from new assessed value generated by investments made on these properties. The captured revenue will be spend in a manner which limits impacts on the city budget for planned infrastructure improvements and services as outlined within the Project Cost budget included.

Staff Recommended Action:
Approval of Order as presented.

Previous Meetings and History:
n/a

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
TIF#29 Application

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

a) Hold at least one public hearing,
b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
c) At the hearing, the legislative body of a municipality or plantation must consider:
    i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
    ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evident to that effect.

Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

(e-mailed applications are <u>not</u> accepted)

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD
   Refer to "Checklist for Municipal Tax Increment Financing (MTIF) Application" to ensure application completeness
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor's Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

If applicable,

1. Exhibit J: Project Costs Spreadsheet
   Refer to MTIF Application, "Checklist For MTIF Application"for required information
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Table of Contents **

SECTION 1- COVER LETTER AND APPLICATION COVER SHEET 2
SECTION 2 - PURPOSE/BASIS ORIGINAL/AMENDED APPLICATION 3
SECTION 3 - COMPANY/DEVELOPER INFORMATION 5
SECTION 4 - EMPLOYMENT GOALS/DATA 6
SECTION 5 - DEVELOPMENT PROGRAM 7
Public Project(s) 7
Private Project(s) 7
Program Duration 7
Original Assessed Value 8
SECTION 6 - FINANCIAL PLAN 9
Increased Assessed Value Information 9
Public Indebtedness 9
Anticipated Revenues 9
Credit Enhancement Agreement (CEA) 9
Development Program Fund and Tax Increment Revenues 11
Relocation of Person(s)/Business(es) 12
Transportation Improvements 12
Environmental Controls 12
District Operation 12
SECTION 7 - NOTICE AND HEARING 13
EXHIBIT A - STATUTORY REQUIREMENTS & THRESHOLDS 14
EXHIBIT B - ASSESSOR'S CERTIFICATE 16
EXHIBIT C - MAP OF DISTRICT LOCATION WITHIN MUNICIPALITY 17
EXHIBIT D - MAP OF DISTRICT BOUNDARIES 18
EXHIBIT E - ANNUAL REVENUE SPREADSHEET 19
EXHIBIT F - ANNUAL TAX SHIFT SPREADSHEET 20
EXHIBIT G - 10-DAY NOTICE OF PUBLIC HEARING 21
EXHIBIT H - MINUTES OF PUBLIC HEARING 22
EXHIBIT I - RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION 23
EXHIBIT J - PUBLIC PROJECT COSTS 24
EXHIBIT K - COMPREHENSIVE DOWNTOWN REDEVELOPMENT PLAN 25
EXHIBIT L - TRANSIT-ORIENTED DEVELOPMENT DISTRICT MAP 26
EXHIBIT M - CREDIT ENHANCEMENT AGREEMENT(S) 27
EXHIBIT N - MUNICIPALITY TIF POLICY 28

**see "Checklist for Municipal Tax Increment Financing (MTIF) Application" for instructions to automatically update the Table of Contents.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Section 1- Cover Letter and Application Cover Sheet

1. **Name of municipal tax increment financing (TIF) district and development program:** #29 186 Main St
2. **This is an** original application. **If an amendment, what amendment number?** Choose a number.
3. **Is this a Downtown designated TIF?** No.
   If yes, provide the following information regarding the *Downtown Redevelopment Plan:*
   a. **Name:** Click here to enter text
   b. **Date approved by municipal legislative body:** Click to enter a date. (Include verification of this approval with Exhibit I)
   The Downtown Redevelopment Plan must contain the components outlined in the DECD "Downtown Redevelopment Plan Criteria Checklist"
4. **Is this development district considered a/an [check the appropriate box(es)]?**
   ☐ **Industrial** ☑ **Commercial** ☐ **Transit-oriented** ☐ **Arts**
   If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)
5. **Municipality name:** City of Auburn
6. **Municipality address:** 60 Court St Auburn, ME 04210
7. **Municipality county:** Androscoggin
8. **Municipal telephone number:** 207-333-6601 ext. 1159
9. **Municipal official's name:** Phillip Crowell
10. **Municipal official's title:** City Manager
11. **Municipal official's e-mail address:** pcrowell@auburnmaine.gov
12. **If different from #9 above, contact person/consultant**: Zakk W. Maher
13. **Municipal contact/consultant phone number:** 207-333-6601 Ext. 1336
14. **Municipality contact/consultant e-mail address:** zmaher@auburnmaine.gov
15. **Municipality's assessor's name:** Karen Scammon
16. **Municipality's assessor's e-mail address:** KScammon@auburnmaine.gov

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

_____ _____
Signature Date

_____
Print municipal official's name & title

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, "headline" sentence explaining purpose/basis of this application.**

The 186 Main Street Tax Increment Financing District & Development Program (#29) will enable the construction of a mixed-use building, including 18 residential apartments, retail and restaurant space.

2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.**

   186 Main Street is a mixed-use ~23,116 SF facility that will be the home of a Mason's Brewing location, an additional ~1,500SF commercial retail location along Main Street and 18 residential apartments ranging from studios to one and two bedrooms. This project has received approval from the City's Planning Board and a Traffic Movement Permit from the Maine Department of Transportation, and is fully developed for bid plans.

   186 Main Street is a vibrant mixed-use offering located in the center of Auburn Maine. This project will bring density to the City's downtown area by providing 18-modern market rate apartments and a couple extremely attractive sense of place commercial offerings - one of which is an extremely popular and high quality restaurant and brewery: Mason's Brewing. This sense of place contributor will increase job opportunities for the service industry, housing options in the City center as well as improve the overall enjoyment and quality of life for Auburn community members and beyond by providing an exciting, attractive, and family-friendly restaurant and brewery.

   During construction, it is estimated that 30-40+ local businesses will be involved employing local construction professionals to build this vibrant downtown urban center offering. In addition, once online, Mason's brewing will employ many service industry professionals in the area. The exact number of employees and wages are not yet known though since the offering is occupying a vacant site, it will significantly add to the employment options in the City of Auburn's urban center.

   Under this Development Program, the City will capture the increased assessed value of taxable real property over the original assessed value of the District and retain the tax revenues generated by the captured assessed value for designated economic development purposes. The calculation of TIF Revenues (as defined below) is more specifically described below in Section VI – Financial Plan. In the Assessor's Certificate attached as Exhibit B hereto, the Assessor has certified the original assessed value of the District.

   By adopting this Development Program, the City is creating a TIF district that will: (1) maintain existing tax revenues; (2) enjoy enhanced future tax revenues generated by new development within the District; and (3) shelter the captured assessed value from impacting the overall State valuation for the City of Auburn, thereby minimizing: (a) potential decreases in the City's State school subsidy and State revenue sharing, and (b) potential increases in the City's county tax assessments and local school district contributions.

   Further, approval of this Development Program and the designation of the District will have a neutral impact on

the existing tax base; only the increased assessed value over the original assessed value within the District will be captured. In addition, at the end of the District and Development Program, the City expects to emerge with a substantial amount of new taxable property value to add to its municipal tax base.

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "TIF Statute"). Subsequent to a City Council vote designating the District and adopting this Development Program, evidenced by Exhibit I hereto, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.

Section 3 - Company/Developer Information

A. Business General Information
[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered]:

1. **Business name:** JCS 18, LLC
2. **Business address:** 20 Mechanic St Gorham, ME 04038
3. **Business phone number:** 207-839-2744
4. **Business contact person:** Jonathan Smith
5. **Business contact person e-mail address:** jon@greatfallsinc.com
6. **Principal place of business:** Gorham, ME
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Corporation
8. **Place of incorporation:** Maine
9. **Name of Officer(s):** Jonathan Smith, President & Cynthia Smith, Vice President
10. **Name of principal owner(s) name:** Jonathan & Cynthia Smith

11. **Address:** 20 Mechanic St Gorham, ME 04038
12. **Brief project description:** JCS 18, LLC will be the Property owner, an affiliated company of Great Falls Construction both owned by Jon and Cindy Smith. Once in operations, the property will be managed by JCS Property Management. JCS Property Management is the Development Property Management and Maintenance division of Great Falls Construction.
13. **Total amount of project new investment by company/developer: $** $7,325,000
14. **Will there be a credit enhancement agreement with this business?** Yes. If so, complete the rest of this section and Section 4.

B. Disclosure, only in cases where a CEA is offered to the above business:

1. Check the public purpose(s) that will be met by the business using this incentive:

☐ **job creation** ☐ **job retention** ☐ **capital investment**
☐ **training investment** ☒ **tax base improvement** ☐ **public facilities improvement**
☐ **other (list):** Click here to enter text.

2. Check the specific item(s) for which TIF revenues will be used by the business:

☒ **real estate purchase** ☐ **machinery & equipment purchase** ☐ **training costs**
☒ **debt reduction**
☐ **other (list):** Click here to enter text.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (**If a developer**, check box ☒, and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical	1		$60,000
2. Administrative/Clerical Support	4		$48,000
3. Sales & Service	18	15	$33,000
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total	23	15	Leave blank
B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
**See* Occupational Cluster Descriptions for more information.			

INSTRUCTIONS

A. Job Creation Goals. Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, "full-time" employment means 30 hours or more; "part-time" employment means less than 30 hours. "Wage level" means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, "type" means "occupational cluster" which refers to the 12 categories listed in the "Occupational Cluster Descriptions." Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

B. Job Retention Goals. Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 5 - Development Program

Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?** Yes. See Exhibit J.

Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** Yes. **If yes, provide a brief, clear description:** Developers intend to construct a new mixed use building containing commercial space and rental residential housing.

Program Duration

3. **Duration of development district (may not exceed 30 years):**
   a. **District term: Original application**: 30.
   If an amendment, adding how many years? Choose a number **totaling how many years?** Choose a number.
   b. **Start date of** April 1, 2024 **with fiscal year** beginning July 1, 2024 (captured assessed value as of April 1, 2024).
   [Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]
   c. **End date of** March 31, 2054 **with fiscal year** June 30, 2054.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Original Assessed Value

4. **Provide the taxable assessed value of the development district as of the March 31st of the tax year preceding the property tax year in which the district was designated by the legislative body.**

			OAV of Real Property	OAV of Personal Property	As of (complete year)		Total acres
Original district			$40,000.00	$0.00	3/31/2023		0.160
Amendment: (If applicable, with any property added/removed)	#1	-				-	
		+			3/31/____	+	
	#2	-				-	
		+			3/31/____	+	
	#3	-				-	
		+			3/31/____	+	
	#4	-				-	
		+			3/31/____	+	
	#5	-				-	
		+			3/31/____	+	
	#6	-				-	
		+			3/31/____	+	
	#7	-				-	
		+			3/31/____	+	
	#8	-				-	
		+			3/31/____	+	
	#9	-				-	
		+			3/31/____	+	
	#10	-				-	
		+			3/31/____	+	
Total	N/A				N/A		

***Municipal Assessor must certify above original assessed value(s) (Exhibit B).

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 6 - Financial Plan

Increased Assessed Value Information

1. **Total estimated cost for the development program: $** $7,325,000 (Should match "total" from Exhibit J)
2. **Municipality will capture** 100 **of** real property only **increased assessed value for each year of the district term, to apply to the development program.** Click here to enter text, if needed.
3. **If #2 above's captured assessed value is less than 100%, besides the district's original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** Click here to enter % to be deposited in General Fund/Education & Services fund.

Public Indebtedness

4. **Will there be public indebtedness?** Yes, to be determined.
    a. **If yes, what is the projected amount of public indebtedness to be incurred?** The City will not incur any indebtedness at this time; however, the City may elect to do so at a future date at the descretion of its City Council.
    b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** Choose an item. **If yes, provide the status, such as years left on bond and amount of outstanding debt.** Click here to enter text.

Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** The source of the revenue to be used to pay the costs of the public projects set forth in this Development Program is the Tax Increment on the increased Assessed Value of the District. Tax increment means all property taxes assessed by the City, in excess of any state, county or special district tax, upon the increased assesed value of all real property in the District. Increased assessed value means the valuation amount by which the current assessed value of the District exceeds the taxable original assessed value of the real property in the District. Current assessed value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property taxes means any and all ad valorem propert taxes levied, charged or assessed against real property by the City. Original assessed value means the taxable assessed value of real property in the District as of March 31, 2023 (April 1, 2022). All property tax on the original assessed value shall continue to be deposited into the City's general fund.
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** A portion of the Tax Increment from the District as described above will be used to finance a portion of the construction of the Company's new mixed-use development to be located within the District. The percentage of the Tax Increment will be paid to the Company under the terms of a Credit Enhancement Agreement as set forth below.

Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
    a. **Will CEAs be offered as part of this development program?** Yes.
    b. **List name(s) of company/developer to be offered a CEA:** JCS 18, LLC
        i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** 75% CEA reimbursment for 12 years with a cap not to exceed $950,000.

c. **Is this an omnibus application?** No.
If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s): Click here to enter text.

d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Development Program Fund and Tax Increment Revenues

Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and

2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and

2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X_____
Initial & date

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X_____
Initial & date

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Relocation of Person(s)/Business(es)

8. No persons will be displaced as a result of the development activities proposed within the District.

Transportation Improvements

9. As part if this development, a portion of Mill Street as well as the tangential public parking spaces along the Androscoggin River will be realigned as requested by the City's Planning Board. Except for these improvements, the existing transportation facilities of the City will be adequate to accommodate the development activities within the District.

Environmental Controls

10. The improvements made under this Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements of the city.

District Operation

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
    a. **Public capital improvements:** The City expects to construct improvements to Miller Street, including a relocation of the right of way and underlying utilities and parking on adjacent City-owned land. Otherwise, the day-to-day operations of the District will not require substantial efforts by the City, other than staffing and programming primarily conducted by the City Manager's office and the Business and Community Development Office.
    b. **Private capital improvements:** The private improvements contemplated to occur within the District are expected to be funded by the developer, in part through the reimbursement of tax increment revenue pursuant to a credit enhancment agreement. Other than the credit enhancement agreement, the City will not be responsible for the funding or operation of private capital improvements within the District.

Section 7 - Notice and Hearing

1. **Date of public notice (must be minimally 10 days before the public hearing):** Click to enter a date.
   For Exhibit G, provide a legible **copy** of the newspaper page showing the public hearing , newspaper name and date of publication.

2. **Date of public hearing:** November 20, 2023
   For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.

3. **Date municipal or plantation legislative body approved original district designation:** Click to enter a date.
   Date municipal or plantation legislative body adopted original development program: Click to enter a date.
   If an amendment, is it to the:
   - ☐ **district. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   - ☐ **development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   - ☐ **district and development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.

   For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.

4. **Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit A - Statutory Requirements & Thresholds

**round to second decimal place

SECTION A. | Acreage Caps		
1. Total **municipal** acreage	41,430	
2. Acreage of **proposed** Municipal TIF District (if amendment, proposed updated total acreage)	0.16	
3. **Downtown-designation**[1] acres in proposed Municipal TIF district	0	
4. **Transit-Oriented Development**[2] acres in proposed Municipal TIF district	0	
5. **Total acreage [=A2-A3-A4]** of proposed Municipal TIF district counted toward 2% limit	0.16	
6. **Percentage [=A5÷A1]** of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)	0.002%	
7. **Total acreage** of all existing/proposed Municipal TIF districts in municipality **including** Municipal Affordable Housing Development districts:[3] See attached list	Existing	661.87
	Proposed	0.16
	Total	662.03

30-A § 5223(3) EXEMPTIONS[4]	
8. Acreage of an existing/proposed **Downtown** Municipal TIF district	247.86
9. Acreage of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0
10. Acreage of all existing/proposed **Community Wind Power** Municipal TIF districts:	0
11. Acreage in all existing/proposed Municipal TIF districts **common to**[5] Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such acreage also factored in Exemptions 8-10 above:	0
12. **Total acreage [=A7-A8-A9-A10-A11]** of all existing/proposed Municipal TIF districts counted toward 5% limit	414.17
13. **Percentage of total acreage [=A12÷A1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)	1.00%

14. **Real property** in proposed Municipal TIF District that is:	ACRES	% **[=Acres÷A2]**
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	0.16	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		100%

[1] Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).
[2] For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.
[3] For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B must exclude AH-TIF valuation.
[4] Downtown/TOD overlap nets single acreage/valuation caps exemption.
[5] PTDZ districts approved through December 31, 2008.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

SECTION B. | Valuation Cap		
1. **Total TAXABLE** municipal valuation—use most recent April 1		$2,253,171,176
2. **Taxable Original Assessed Value (OAV)** of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31		$40,000
3. **Taxable OAV of all** existing/proposed Municipal TIF districts in municipality **excluding** Municipal Affordable Housing Development districts: See attached list	Existing	$105,145,300
	Proposed	$40,000
	Total	$105,185,300
30-A § 5223(3) EXEMPTIONS		
4. **Taxable OAV** of an existing/proposed **Downtown** Municipal TIF district		$80,002,900
5. **Taxable OAV** of all existing/proposed **Transit-Oriented Development** Municipal TIF district		0
6. **Taxable OAV** of all existing/proposed **Community Wind Power** Municipal TIF district		0
7. **Taxable OAV** of all existing/proposed **Single Taxpayer/High Valuation**[6] Municipal TIF districts		0
8. **Taxable OAV** in all existing/proposed Municipal TIF districts **common to** Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such OAV also factored in Exemptions 4-7 above:		0
9. **Total taxable OAV [=B3-B4-B5-B6-B7-B8]** of all existing/proposed Municipal TIF districts counted toward 5% limit		$25,182,400
10. **Percentage of total taxable OAV [=B9÷B1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)		1.118%

COMPLETED BY			
PRINT NAME	Alyssa Tibbetts		
SIGNATURE		DATE	
If this form has **not been completed by the municipal or plantation assessor**, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME	Karen Scammon		
SIGNATURE		DATE	

[6] For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Existing Active TIF Districts

District Number	District Name	OAV	Acreage
6	Proctor & Gamble (Tambrands II)	$ 520,900.00	84
10	Downtown Omnibus	$ 80,002,900.00	247.86
12	Auburn Industrial Park	$ 334,200.00	144
13	Retail Development	$ 5,425,400.00	29.67
14	Mall Revitalization	$ 11,328,400.00	38.91
15	Mall Area Hotel	$ 4,900.00	1.5
16	Webster School (affordable housing)	$ -	1.4
19	Hartt Transportation Center	$ 1,278,600.00	43
20	62 Spring Street	$ 474,300.00	0.81
21	477 Minot Avenue (affordable housing)	$ -	3.83
22	Hampshire Street (affordable housing)	$ -	1.01
23	Memory Care	$ 327,100.00	8.61
24	Gracelawn	$ 262,600.00	2.92
25	FutureGuard	$ 3,838,700.00	26.2
26	North River Road Apartments	$ 60,300.00	3.32
27	Stable Ridge	$ 235,500.00	13.19
28	Agren Applicance	$ 1,051,500.00	11.64
29	186 Main Street (pending approval)	$ 40,000.00	0.16
30	Diamond Point Storage (pending approval)	$ 518,900.00	5.46
	TOTAL	**$ 105,704,200.00**	**667.49**

Exhibit B - Assessor's Certificate

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT B: Assessor's Certificate

CITY OF AUBURN
CERTIFICATE OF ASSESSOR

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the Auburn Municipal Tax Increment Financing District #29, the 186 Main Street Development District, as described in the Development Program for the District and as identified in more detail below, was $40,000 as of March 31, 2023 (April 1, 2022).

Map/Lot	Address	Acres	Original Assessed Value
231-020	186 Main Street	0.16	$40,000
	TOTAL	**0.16**	**$40,000**

This Certificate has been executed as of this ____ day of October, 2023.

_____
Karen Scammon, Municipal Assessor

Exhibit C - Map of District Location within Municipality

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #29 – Exhibit C
Map of District Location within Municipality

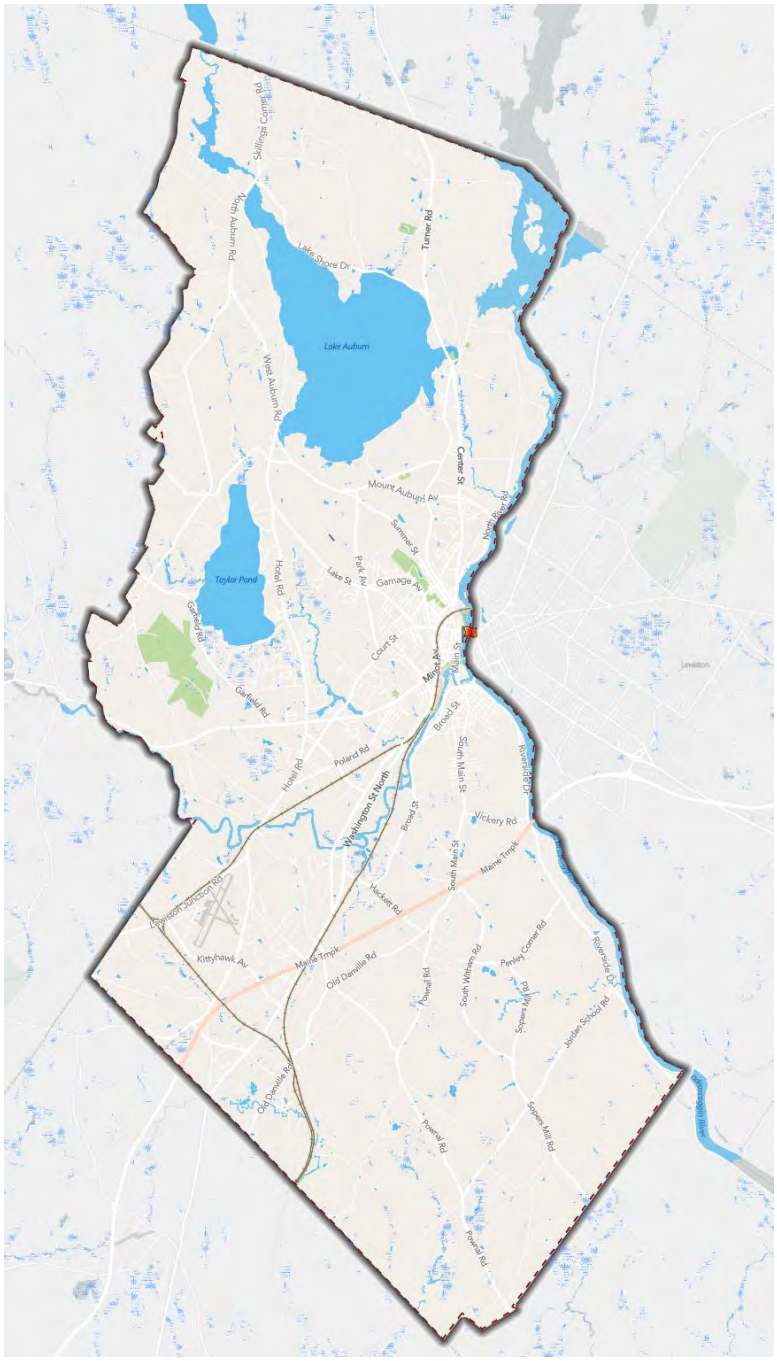


Exhibit D - Map of District Boundaries

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #29 – Exhibit D
Map of District Boundaries

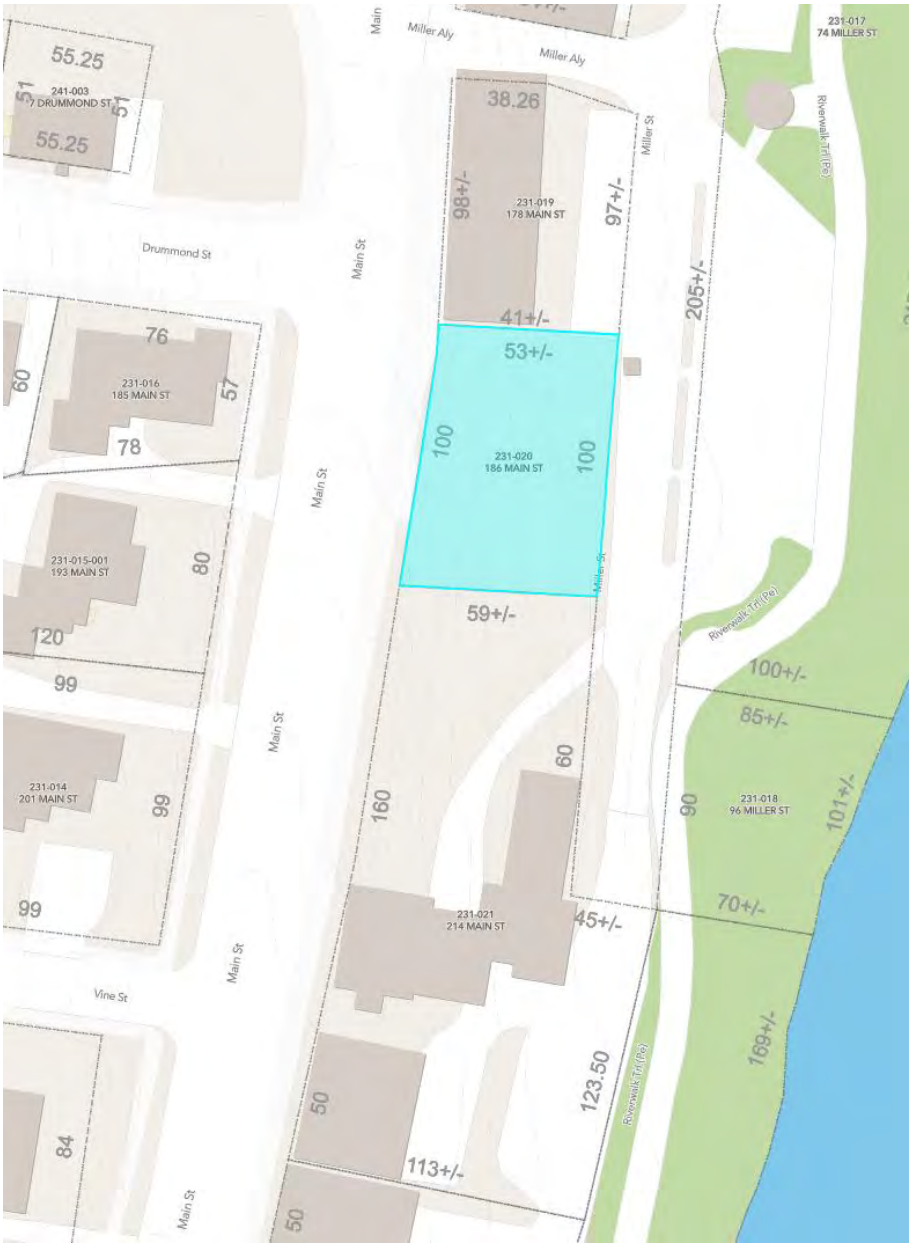


Exhibit E - Annual Revenue Spreadsheet

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT E : Annual Revenue Spreadsheet TIF Name: **TIF #29 - 186 Main St**

TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Original Assessed Value (OAV)	Increased Assessed Value (IAV)	Captured Assessed Value (CAV) %	MIL Rate	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV	CEA Payments to Developer %	Net Revenue on CAV to Development
1	2024	2025	**$40,000.00**		**100.0%**	**$22.75**	$910.00			75.0%	
2	2025	2026	$40,000.00	**$4,761,250**	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
3	2026	2027	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
4	2027	2028	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
5	2028	2029	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
6	2029	2030	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
7	2030	2031	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
8	2031	2032	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
9	2032	2033	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
10	2033	2034	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
11	2034	2035	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
12	2035	2036	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$81,238.83	$27,079.61
13	2036	2037	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44	$56,372.89	$51,945.55
14	2037	2038	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
15	2038	2039	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
16	2039	2040	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
17	2040	2041	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
18	2041	2042	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
19	2042	2043	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
20	2043	2044	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
21	2044	2045	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
22	2045	2046	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
23	2046	2047	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
24	2047	2048	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
25	2048	2049	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
26	2049	2050	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
27	2050	2051	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
28	2051	2052	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
29	2052	2053	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
30	2053	2054	$40,000.00	$4,761,250	$4,761,250	$22.75	$910.00	$108,318.44	$108,318.44		$108,318.44
						30 Year TIF Totals=	**$27,300.00**	**$3,141,234.69**	**$3,141,234.69**	**$950,000.00**	**$2,191,234.69**
						Annual Average=			**$104,707.82**	**$81,238.83**	**$73,041.16**

Assumptions:

The OAV of the District consists of the parcel(s) identified within the Certificate of Assessor (Exhibit B) and a map of the District can be found in Exhibit C-D.

The IAV are estimates only based on the preliminary development plan. Actual IAV figures in each year may vary and as a result the projections are subject to change.

The City intends to capture: 100.0% of both real & personal property within the district.

The Mil Rate is $22.75 and is based on the current rate at time of application. This rate may change each year and as a result projections are subject to change.

The Development Program authorizes the city to enter into a credit enhancement agreement for reimbursement up to 75.0%

The Development Program established a cap of total cumulative reimbursement of no more than $950,000.00

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit F - Annual Tax Shift Spreadsheet

EXHIBIT F : Annual Tax Shift Spreadsheet			TIF Name: TIF #29 - 186 Main St				
TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Education Shift (Avoided Loss) State MIL Rate	Revenue Sharing Shift (Avoided Loss)	County Tax Shift (Avoided Increase)	Total Tax Shift	Net Revenue from CAV to Gen Fund (w/out TIF)
1	2024	2025	$6.97				
2	2025	2026	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
3	2026	2027	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
4	2027	2028	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
5	2028	2029	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
6	2029	2030	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
7	2030	2031	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
8	2031	2032	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
9	2032	2033	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
10	2033	2034	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
11	2034	2035	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
12	2035	2036	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
13	2036	2037	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
14	2037	2038	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
15	2038	2039	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
16	2039	2040	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
17	2040	2041	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
18	2041	2042	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
19	2042	2043	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
20	2043	2044	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
21	2044	2045	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
22	2045	2046	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
23	2046	2047	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
24	2047	2048	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
25	2048	2049	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
26	2049	2050	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
27	2050	2051	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
28	2051	2052	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
29	2052	2053	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
30	2053	2054	$33,185.91	$8,695.46	$4,906.34	$46,787.71	$61,530.73
		30 Year TIF Totals=	$962,398.43	$252,168.37	$142,283.74	$1,356,843.57	$1,784,391.11
		Annual Average=	$32,079.95	$8,405.61	$4,742.79	$45,228.12	$59,479.70

Assumptions:

The tax shifts resulting from sheltering of valuation from the state school funding formula are based on the state EPS funding model at the most recent MIL rate published. The estimated MIL rate indicated above is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the City avoids having to raise an amount equal to the valuation sheltered. The education rate used to calculate the education tax shift is based on the most recent adjusted mill rate of the Auburn Public School District.

The tax shifts resulting from the sheltering of valuation from the state revenue sharing formula are based on the most recent data available from Maine Revenue Services for the most recent fiscal year as published by the Office of the State Treasurer.

The tax shifts resulting from the sheltering of valuation from the County tax assessment are based on the actual Androscoggin County tax assessments for the most recent five years.

The OAV of the District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

These tax shift estimates are based on a captured assessed value of	100.0%	of the estimated IAV.
The projected tax revenue is based on the estimate of increased assessed value multiplied by a MIL rate of		$22.75

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit G - 10-Day Notice of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT G: 10-Day Notice of Public Hearing

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on November 20, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #29 the "186 Main Street" Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 0.16 acres, which includes one parcel located on Main Street, identified on the City's tax maps as Map 231, Lot 020. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new mixed-use building to include 18 residential apartments, retail and restaurant space.

The City proposes to offer the developer of this project a reimbursement of 75% of the property taxes paid by the developer on the new assessed property value in the District resulting from the project over a period of up to 12 years, not to exceed $950,000 total. This reimbursement will enable the developer to construct the project and related infrastructure within the District. In addition, the City proposes to allocate the remainder of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City's use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects.

A copy of the proposed Development Program for the new District is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

Exhibit H - Minutes of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit I - Record of District Designation and Development Plan Adoption

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

ORDER OF THE AUBURN CITY COUNCIL
November 20, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from JCS 18, LLC for the commercial development of certain property within its Downtown Traditional Center zoning district located on Main Street and abutting the Riverwalk Trail; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed 186 Main Street Municipal Development and Tax Increment Financing District #29 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #29 (the "186 Main Street Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the 186 Main Street Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

Exhibit J - Public Project Costs

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT J: Public Project Costs

	Project	**Maximum Percentage of CAV**	**Cost Estimate***	**Statutory Citation**
1	Administrative & Professional Services Costs: Costs of prorated portion of salaries of City staff for time associated with creation and administration of District, and fund costs of professional services associated with creation and administration of District. Costs related to the administration and facilitation of management and monitoring of this TIF, not to exceed the indicated percentage of the revenue generated from captured assessed value of the development district. [3]	5.0%	$157,062	30-A M.R.S. §5225(1)(A)(4); (1)(A)(5); (1)(A)(7)
2	Economic Development Programs: Costs of the City's economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City's Economic Development Department. Costs related to the economic development programs, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district. [2,3]	5.0%	$157,062	30-A M.R.S. § 5225(1)(C)(1); (1)(C)(3);
3	Road Improvements within our outside the district: Design, construction, engineering, other associated costs of road construction, sidewalk and pedestrian crossing safety improvements on roads located within the District or outside the District but directly related to or made necessary by the District, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[3]	15.0%	$471,185	30-A M.R.S. § 5225(1)(A)(1); (1)(B)(1)
4	Public Safety Facility within the city: Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the revenue generated from the captured assessed value of the development district. [1, 3]	15.0%	$471,185	30-A M.R.S. § 5225 (1)(C)(9)

EXHIBIT J: Public Project Costs

5	Public Infrastructure within or outside the district: Eligible recreational trail-related development district capital costs include but are not limited to new or existing trails, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses, signs, crosswalks, signals and warning systems and other related improvements, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	10.0%	$314,123	30-A M.R.S. §5225(1)(A)(2)
6	Housing Development within the city: Costs associated with the development and operation of housing, including, but not limited to, authorized project costs for improvements as described in section 5249 even if such improvements are not made within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district. [4]	0%	$0	30-A M.R.S. § 5225 (1)(A)(9); 30-A M.R.S. § 5249 (1)(A)(5); (1)(A)(7)
7	Economic Development related to Housing within the city: Costs of improvements that are made outside the tax increment financing district but are directly related to or are made necessary by the establishment or operation of the district, including, but not limited to project costs for improvements as described in section 5249 in support of municipal economic development activities regardless of whether such costs are within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[4]	0%	$0	30-A M.R.S. § 5225 (1)(B)(4); 30-A M.R.S. § 5249 (1)(A)(8)
8	Administrative Facilities: Capital costs related to the construction or renovation of the City's central administrative office, the need for which is related to economic development within the City, up to 50% of such costs, not to exceed 15% of the captured assessed value within the District.	8.0%	$251,299	30-A M.R.S. § 5225(1)(C)(12)

9	Capital Costs within the district: Costs of improvements made within the district related to the acquisition or construction of land, structures, fixtures or equipment, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures and fixtures for public, recreational trail, commercial or transit use including, but not limited to site preparation, finishing work, real property assembly costs and other capital costs or debt service related to such improvements such as licensing, permitting, planning, engineering and architectural and legal expenses, and credit enhancement agreement payments, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district. [3]	42.0%	$1,319,319	30-A M.R.S. § 5225 (1)(C)(9); (1)(B)(1)
	TOTAL	**100.0%**	**$3,141,235**	

*These are estimates only. The City may allocate revenues generated by the district across approved project cost categories as needed.

Similar program costs contained within other current and future TIFs may be combined.

[1] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, and #6.

[2] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, #10, #6.

[3] The use of TIF revenue for this project cost has also been authorized in the City's TIF District #28.

[4] Project costs #7 and #8 are not currently projected projects at this time, but the City reserves the right to authorize such project costs in the future.

Exhibit K - Comprehensive Downtown Redevelopment Plan

N/A

Exhibit L - Transit-Oriented Development District Map

N/A

Exhibit M - Credit Enhancement Agreement(s)

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

CREDIT ENHANCEMENT AGREEMENT

between

THE CITY OF AUBURN, MAINE

and

JCS 18, LLC

DATE: _____, 2023

TABLE OF CONTENTS

ARTICLE I DEFINITIONS…… 3
Section 1.1. Definitions. 3
Section 1.2. Interpretation and Construction.....5

ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS .5
Section 2.1. Creation of Development Program Fund.....6
Section 2.2. Liens.....6
Section 2.3. Retention of Increment; Deposits into Development Program Fund. 6
Section 2.4. Use of Monies in Development Program Fund. 6
Section 2.5. Monies Held in Trust.....7
Section 2.6. Investments. 7
Section 2.7. Reporting Obligations. 7

ARTICLE III PAYMENT OBLIGATIONS 7
Section 3.1. Company Payments. 7
Section 3.2. Failure to Make Payment. 7
Section 3.3. Limited Obligation. 8

ARTICLE IV FURTHER INSTRUMENTS AND BOOKS AND RECORDS 8
Section 4.1. Further Instruments and City Costs.....8
Section 4.2. Access to Books and Records.....8

ARTICLE V DEFAULTS AND REMEDIES 9
Section 5.1. Events of Default.....9
Section 5.2. Remedies on Default. 10
Section 5.3. Remedies Cumulative. 10

ARTICLE VI EFFECTIVE DATE, TERM AND TERMINATION.....10
Section 6.1. Effective Date and Term. 10
Section 6.2. Cancellation and Expiration of Term. 10

ARTICLE VII ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST 11
Section 7.1. Pledge and/or Assignment. 11
Section 7.2. Transfer 11

ARTICLE VIII MISCELLANEOUS.....11
Section 8.1. Successors. 11
Section 8.2. Parties-in-Interest. 12
Section 8.3. Severability. 12
Section 8.4. No Personal Liability. 12
Section 8.5. Counterparts. 12
Section 8.6. Governing Law. 12
Section 8.7. Amendments. 12
Section 8.8. Integration. 13

DRAFT

Section 8.9. Dispute Resolution.....13
Section 8.10. Records.....13
Section 8.11. Notices.....13

THIS CREDIT ENHANCEMENT AGREEMENT dated as of _____ __, 2023, between the City of Auburn, Maine (the "City"), a municipal corporation and political subdivision of the State of Maine, and JCS 18, LLC (the "Developer"), a Maine limited liability company with a principal place of business located at 20 Mechanic Street, Gorham, ME 04038.

WITNESSETH THAT

WHEREAS, the Developer owns property located on Main Street in Auburn, Maine (the "Property"), and intends to construct an approximately 24,000 square foot, mixed-use facility to include residential apartments, a new brewery and retail space on the Property (the "Project"); and

WHEREAS, the City designated the 186 Main Street Tax Increment Financing Development District #29 (the "District") pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, by vote at a City Council Meeting held on _____ (the "Vote"), and

WHEREAS, the City received the approval of the District and the Development Program by the Maine Department of Economic and Community Development dated _____; and

WHEREAS, the City authorized the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to an Order of the City Council, adopted on _____; and

WHEREAS, the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the credit enhancement agreement contemplated and described in the Development Program; and

WHEREAS, the estimated cost of off-site improvements required in connection with the development of the Property is estimated to be approximately $7,325,000; and

WHEREAS, the cost to construct the Project and maintain the commercial activity and employment opportunities in the City of Auburn requires financial assistance from the City to ensure completion of the Project; and

WHEREAS, completion of the Project will contribute to the economic growth and well-being of the City, and enable public facilities and improvements to the betterment of the health, welfare and safety of its inhabitants; and

WHEREAS, the City has decided to induce the Developer to undertake the Project through the use of this Agreement.

DRAFT

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

"Act" means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

"Agreement" shall mean this Credit Enhancement Agreement between the City and the Developer dated as of the date set forth above, as such may be amended from time to time.

"CEA Year(s)" shall have the meaning given such term in Section 2.3(a) hereof.

"City" shall have the meaning given such term in the first paragraph hereto.

"City Project Cost Subaccount" means that portion of the Project Cost Account of the Development Program Fund set aside for the City uses as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof.

"City Payments" means for each CEA Year the Developer Percentage of the Increased Assessed Value payable in accordance with the terms of this Agreement.

"Commissioner" means the Commissioner of the Maine Department of Economic and Community Development.

"Current Assessed Value" means the then current assessed value of real property within the District as determined by the City Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

"Department" means the Maine Department of Economic and Community Development.

"Developer" shall have the meaning given such term in the first paragraph hereto.

"Developer Percentage" means seventy-five percent (75%) of the Increased Assessed Value in each Tax Year on which Property Tax payments are made by the City to the Developer as City Payments under the terms of this Agreement, subject to the limitations set forth herein.

DRAFT

"Developer Project Cost Subaccount" means that portion of the Project Cost Account of the Development Program Fund set aside for the Developer as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof

"Developer Property" or "Property" means the total of 0.16 acres that comprise the District, consisting of one parcel identified on the City's tax maps as Map 231, Lot 020.

"Development Program" means the development program and financial plan for the District adopted by the City, as amended.

"Development Program Fund" means the 186 Main Street Municipal Development and Tax Increment Financing Development Program Fund described in the Financial Plan section of the Development Program and established and maintained pursuant to Article II hereof and 30-A M.R.S.A § 5227(3)(A).

"District" shall have the meaning given such term in the first recital hereto, which is more specifically comprised of approximately 0.16 acres of real property and identified in Exhibits B, C and D to the Development Program and any future improvements to such real property.

"Financial Plan" means the financial plan described in the "Financial Plan" Section of the Development Program.

"Fiscal Year" means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

"Increased Assessed Value" means, for each CEA Year, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in the corresponding CEA Year.

"Incremental Property Tax Payments" means all real property tax payments related to the Increased Assessed Value, inclusive of interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

"Original Assessed Value" means $40,000, the taxable assessed value of the real property within the District as of March 31, 2023 (April 1, 2022).

"Project Cost Account" means that portion of the Development Program Fund for the District as defined in the Financial Plan Section of the Development Program and established and maintained according to Title 30-A M.R.S.A. § 5227(3)(A)(1) and Article II hereof.

"Property Tax" means any and all *ad valorem* property taxes levied, charged or assessed against real property located in the District by the City, or on its behalf.

"State" means the State of Maine.

DRAFT

"Tax Increment Revenues" means that portion of all real property taxes assessed and paid within the District to the City in any Tax Year, excluding any state, or special district tax, including any scheduled payments thereof, interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

"Tax Payment Date" means the date(s) on which property taxes levied by the City are due and payable from the owners of property located within the City.

"Tax Year" shall have the meaning given such term in 30-A M.R.S.A. §5222(18), as amended, to wit: April 1 to March 31. Each Tax Year corresponds to a particular Fiscal Year. Each CEA Year occurs during a Fiscal Year.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before, the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

(e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II
DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

DRAFT

Section 2.1. Creation of Development Program Fund.

The City shall create and establish a segregated fund in the name of the City designated as "The 186 Main Street Municipal Development and Tax Increment Financing District Fund" (hereinafter the "Development Program Fund") pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5227(3). The Development Program Fund shall consist of the Project Cost Account that is pledged to and charged with the payment of project costs as outlined in the Financial Plan of the Development Program and as provided in 30-A M.R.S.A. § 5227(3)(A)(1). The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S.A. § 5227(3)(B). The Project Cost Account shall also contain two subaccounts designated as the "Developer Project Cost Subaccount" and the "City Project Cost Subaccount."

Section 2.2. Liens.

The City shall not create any liens, encumbrances or other interests of any nature whatsoever, nor shall it hypothecate the Developer Project Cost Subaccount described in Section 2.1 hereof or any funds therein, other than the interest in favor of the Developer and/or the Trustee hereunder in and to the amounts on deposit.

Section 2.3. Retention of Increment; Deposits into Development Program Fund.

(a) Commencing with the Tax Year beginning April 1, 2024, and for a period not to exceed twenty years, ending March 31, 2044 (each a "CEA Year" and collectively the "CEA Years" herein), the City shall retain at least the Developer Percentage of the Increased Assessed Value within the District for the benefit of the Developer as set forth herein.

(b) For each of the CEA Years, the City shall deposit into the Developer Project Cost Subaccount an amount equal to the Developer Percentage of each Incremental Property Tax Payment paid on Increased Assessed Value, up to a cumulative amount of $950,000. Such deposits shall be made by the City within 10 business days after the Property Tax due date at the time in effect; currently due semi-annually on each September 15 and March 15. In the event any such payment allocable to the Developer Percentage of Incremental Property Tax Payments is not timely paid to the City, the City shall deposit such payment (plus any allocable interest) within 10 business days of receipt of such payment.

(c) Notwithstanding anything to the contrary contained herein, all allocations to the Developer Project Cost Subaccount and payments to the Trustee for deposit therein shall cease at the conclusion of the term of this Agreement identified in Section 2.3(a) hereof subject to extension as identified in Section 6.1(a) hereof.

Section 2.4. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in the Developer Project Cost Subaccount shall in all cases be used and applied to fund fully the City's

DRAFT

payment obligations to Developer described in Articles II and III hereof. All monies required to be deposited in the Developer Project Cost Subaccount shall be used by the Developer for construction of the Project.

Section 2.5. Monies Held in Trust.

Except as otherwise provided in this Agreement, all monies required to be deposited with or paid into the Developer's Project Cost Sub-Account of the Development Program Fund are to fund payments to the Developer under the provisions hereof and the provisions of the Development Program for the benefit of the Developer in accordance with the provisions of this Agreement.

Section 2.6. Investments.

Monies in the Developer's Project Cost Sub-Account may be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts so invested are needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Sub-Account of the Development Program Fund.

Section 2.7. Reporting Obligations.

Developer covenants and agrees to provide the City promptly upon request with all documentation reasonably required by the City to confirm the costs and completion of the projects set forth in Section 2.4.

ARTICLE III
PAYMENT OBLIGATIONS

Section 3.1. Company Payments.

(a) The City agrees to pay Developer all amounts then on deposit in the Company Project Cost Subaccount, on or before thirty (30) days following the Tax Payment Date.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real property located in the District remain unpaid, because of a valuation dispute or otherwise, the City shall be under no obligation to pay Developer's share of the disputed portion of the Tax Increment Revenues to Developer. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall be applied to taxes due on account of Original Assessed Value and, next to Sinking Fund Account as applicable, to the taxes due on account of the allocation of TIF Revenues for the City Project Cost Subaccount, and next to the taxes due in account of the allocation of TIF revenues for the Company Project Cost Subaccount.

Section 3.2. Failure to Make Payment.

DRAFT

(a) In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Development Program Fund is insufficient to reimburse Developer for the full amount due to Developer under this Agreement the City shall be in breach of the terms hereof, and the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, subject to the limitations of Section 3.3 below.

Section 3.3. Limited Obligation.

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to Developer hereunder, whether or not actually deposited into Company Project Cost Subaccount in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

ARTICLE IV
FURTHER INSTRUMENTS AND BOOKS AND RECORDS

Section 4.1. Further Instruments and City Costs.

The City shall, upon the reasonable request of Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by Developer.

Section 4.2. Access to Books and Records.

(a) All non-confidential books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by Developer, its agents and employees.

DRAFT

(b) All non-confidential books, records, lease agreements and documents in the possession of Developer relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by City, its agents and employees.

ARTICLE V
DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an "Event of Default":

(a) Any failure by the City to pay any amounts due to Developer when the same shall become due and payable;

(b) Any failure by the City to make deposits into Development Program Fund, including the Company Project Cost Subaccount, as and when due;

(c) Any failure by the City or Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or Developer to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof;

(d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the Developer's affairs shall have been entered against the Developer or the Developer shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Developer or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Developer or the failure by the Developer to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Developer;

(e) If any secured lender of Developer accelerates the indebtedness owed to it;

(f) If any written representation or warranty given to the City by Developer is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent; and

(g) If Developer fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the Developer's secured lenders and/or

Developer allows mechanics' liens to encumber the Project for a period of more than sixty (60) days.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.9, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.9 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

ARTICLE VI
EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term.

This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof and shall expire upon the performance of all obligations on the part of the City and the Developer hereunder or upon any earlier termination as provided in this Agreement.

Upon receipt of such approval, this Agreement shall remain in full force from April 1, 2024 and shall expire March 31, 2036 or sooner upon the payment of all amounts due to Developer hereunder and the performance of all obligations on the part of the City hereunder, unless even sooner terminated pursuant to any other applicable provision of this Agreement.

Section 6.2. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII
ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Pledge and/or Assignment.

The City hereby acknowledges that Developer may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank or financial institution to Developer for the Project, although no obligation is hereby imposed on Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishment, perfection and protection of its interest herein. Developer shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Transfer

Except as specified in Sections 7.1 and 8.1 hereof, Developer shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE VIII
MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the City or Developer, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from

time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and Developer.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability.

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of the Developer contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of the Developer in his or her individual capacity, and no officer, employee or agent of the Developer shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Amendments.

DRAFT

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.8. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.9. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Auburn, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

Section 8.10. Records.

The City shall maintain a record demonstrating its calculation of the Increased Assessed Value and Tax Increment Revenues within the District as it relates to deposits to the Development Program Fund pursuant to Article II and payments to the Developer under Article III of this Agreement, and shall provide Developer with a copy of the same upon request.

Section 8.11. Notices.

All notices, certificates, requests, requisitions or other communications by the City or Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

Phillip Crowell
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

With a copy to:

DRAFT

Alyssa C. Tibbetts, Esq.
Jensen Baird Gardner Henry
10 Free Street
P.O. Box 4510
Portland, Maine 04112

If to Developer:

Jonathan Smith
JCS18, LLC
20 Mechanic Street
Gorham, ME 04038

With a copy to:

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

[SIGNATURE PAGE TO FOLLOW]

DRAFT

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS: CITY OF AUBURN

_____ By:_____
Name: Phillip L. Crowell, Jr.
Its City Manager Duly Authorized by the City Council on _____

WITNESS: JCS 18, LLC

_____ By:_____
Name: Jonathan Smith
Its: President

DRAFT

Exhibit N - Municipality TIF Policy

CITY OF AUBURN
TAX INCREMENT FINANCING
&
CREDIT ENHANCEMENT
POLICY
AND
GUIDELINES

The following are the City of Auburn Tax Increment Financing (TIF) Policy and Credit Enhancement Agreement Application Guidelines.

I. Purpose and Introduction

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no decrease in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all of the incremental real and/or personal property tax revenues derived from new development or expansion of an existing development and provides a means of financing the economic and community development goals of Auburn as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. The captured tax revenues from a TIF District can be used to finance municipal investments and City infrastructure projects; and can also be used to provide incentive or financing to a private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines are to provide guidance and outline standards for the development of TIF's and CEA's in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with any or all of these guidelines, the creation of a TIF District or authorization of a Credit Enhancement Agreement is a policy decision of the City of Auburn to be evaluated by the City on a case-by-case basis. Adopting this policy or any TIF District does not create a right or entitlement to assistance by any applicant.

II. Eligibility for Assistance

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of $1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that provides developers with reimbursement of a percentage of the property tax revenue paid on the increased assessed value (or incremental value) of their property. Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing shall be held to receive public comment on a completed CEA application at least ten days prior to a meeting at which the CEA is being considered for approval by the City Council.

Ill. Application Process

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing TIF District are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECD). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City, and all recommendations for TIF assistance shall be based on the merits of the project and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. They will monitor ongoing investments in the development project if TIF assistance is granted.

All applicants for TIF assistance must pay a $500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee equal to 2% of the incremental tax reallocated back to the project will be assessed.

IV. Waiver of Provisions

The City of Auburn reserves the right under certain conditions to waive the provisions of the policy. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria to be considered with granting a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

V. Mandatory Guidelines

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the entire capital investments needed to undertake the project
- The project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- The developer is financially capable of undertaking the project
- The developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

VI. Guidelines that Determine the Level of Municipal Participation

Although the applicants' project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities that have applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

VII. Transfer of Ownership

If the applicant transfers ownership of property in the TIF District subject to a CEA to which the applicant is a party, the applicant must notify the City Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

VIII. Annual Expenditure of TIF Revenues for Municipal Projects

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.

City Council Order

IN CITY COUNCIL

ORDER OF THE AUBURN CITY COUNCIL
November 20, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from JCS 18, LLC for the commercial development of certain property within its Downtown Traditional Center zoning district located on Main Street and abutting the Riverwalk Trail; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed 186 Main Street Municipal Development and Tax Increment Financing District #29 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #29 (the "186 Main Street Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the 186 Main Street Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District,

City Council Order

or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: TIF #30 – Diamond Point Storage

Information:
The Diamond Point Self-Storage Tax Increment Financing District & Development Program #30 (the "Diamond Point Storage District") will permit the construction of a 93,500 square foot, Grade-A self storage facility. In order to alleviate congestion and integrate access with current traffic patterns the developers needed to acquire an additional lot and create a Right-in/ Right-out only scenario. To do so they will have to remove and relocate existing curb cuts and rebuild the existing pedestrian accomodations. Additionaly, there are existing contaminated soils and municipal easements on the property which will need to be remediated and acomodated during the development process.

There does exist a community benefit opportunity on this site, which abuts the Androscoggin River just north of the Fox Island train trestle. The developers are willing to extend the existing Auburn River Walk pathway across their property. This would extend the current 1.6 miles of paved walking paths along the river by another potentially 1,000 feet.

City Budgetary Impacts:
The City intends to establish new Tax Increment Financing Districts for the purpose of capturing tax revenues from new assessed value generated by investments made on these properties. The captured revenue will be spend in a manner which limits impacts on the city budget for planned infrastructure improvements and services as outlined within the Project Cost budget included.

Staff Recommended Action:
Approval of Order as presented.

Previous Meetings and History:
n/a

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
TIF#30 Application

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

a) Hold at least one public hearing,
b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
c) At the hearing, the legislative body of a municipality or plantation must consider:
    i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
    ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evident to that effect.

Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

(e-mailed applications are <u>not</u> accepted)

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD
   Refer to "Checklist for Municipal Tax Increment Financing (MTIF) Application" to ensure application completeness
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor's Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

If applicable,

1. Exhibit J: Project Costs Spreadsheet
   Refer to MTIF Application, "Checklist For MTIF Application"for required information
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Table of Contents **

SECTION 1- COVER LETTER AND APPLICATION COVER SHEET 2
SECTION 2 - PURPOSE/BASIS ORIGINAL/AMENDED APPLICATION 3
SECTION 3 - COMPANY/DEVELOPER INFORMATION 5
SECTION 4 - EMPLOYMENT GOALS/DATA 6
SECTION 5 - DEVELOPMENT PROGRAM 7
Public Project(s) 7
Private Project(s) 7
Program Duration 7
Original Assessed Value 8
SECTION 6 - FINANCIAL PLAN 9
Increased Assessed Value Information 9
Public Indebtedness 9
Anticipated Revenues 9
Credit Enhancement Agreement (CEA) 9
Development Program Fund and Tax Increment Revenues 11
Relocation of Person(s)/Business(es) 12
Transportation Improvements 12
Environmental Controls 12
District Operation 12
SECTION 7 - NOTICE AND HEARING 13
EXHIBIT A - STATUTORY REQUIREMENTS & THRESHOLDS 14
EXHIBIT B - ASSESSOR'S CERTIFICATE 16
EXHIBIT C - MAP OF DISTRICT LOCATION WITHIN MUNICIPALITY 17
EXHIBIT D - MAP OF DISTRICT BOUNDARIES 18
EXHIBIT E - ANNUAL REVENUE SPREADSHEET 19
EXHIBIT F - ANNUAL TAX SHIFT SPREADSHEET 20
EXHIBIT G - 10-DAY NOTICE OF PUBLIC HEARING 21
EXHIBIT H - MINUTES OF PUBLIC HEARING 22
EXHIBIT I - RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION 23
EXHIBIT J - PUBLIC PROJECT COSTS 24
EXHIBIT K - COMPREHENSIVE DOWNTOWN REDEVELOPMENT PLAN 25
EXHIBIT L - TRANSIT-ORIENTED DEVELOPMENT DISTRICT MAP 26
EXHIBIT M - CREDIT ENHANCEMENT AGREEMENT(S) 27
EXHIBIT N - MUNICIPALITY TIF POLICY 28

**see "Checklist for Municipal Tax Increment Financing (MTIF) Application" for instructions to automatically update the Table of Contents.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Section 1- Cover Letter and Application Cover Sheet

1. **Name of municipal tax increment financing (TIF) district and development program:** #30 Diamond Point Storage
2. **This is an** original application. **If an amendment, what amendment number?** Choose a number.
3. **Is this a Downtown designated TIF?** No.
   If yes, provide the following information regarding the *Downtown Redevelopment Plan:*
   a. **Name:** Click here to enter text
   b. **Date approved by municipal legislative body:** Click to enter a date. (Include verification of this approval with Exhibit I)
   The Downtown Redevelopment Plan must contain the components outlined in the DECD "Downtown Redevelopment Plan Criteria Checklist"
4. **Is this development district considered a/an [check the appropriate box(es)]?**
   ☐ **Industrial** ☑ **Commercial** ☐ **Transit-oriented** ☐ **Arts**
   If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)
5. **Municipality name:** City of Auburn
6. **Municipality address:** 60 Court St Auburn, ME 04210
7. **Municipality county:** Androscoggin
8. **Municipal telephone number:** 207-333-6601 ext. 1159
9. **Municipal official's name:** Phillip Crowell
10. **Municipal official's title:** City Manager
11. **Municipal official's e-mail address:** pcrowell@auburnmaine.gov
12. **If different from #9 above, contact person/consultant**: Zakk W. Maher
13. **Municipal contact/consultant phone number:** 207-333-6601 Ext. 1336
14. **Municipality contact/consultant e-mail address:** zmaher@auburnmaine.gov
15. **Municipality's assessor's name:** Karen Scammon
16. **Municipality's assessor's e-mail address:** KScammon@auburnmaine.gov

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

_____ _____
Signature Date

_____
Print municipal official's name & title

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, "headline" sentence explaining purpose/basis of this application.**
   The Diamond Point Self-Storage Tax Increment Financing District & Development Program #30 (the "Diamond Point Storage District") will permit the construction of a 93,500 square foot, Grade-A self storage facility.

2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.**

   The property on which the self storage project will be located will be owned by TAC Auburn, LP, and the project will be developed by Jason Sommer and Aaron Sommer. Jason and Aaron are experienced commercial developers with a portfolio of nine self-storage facilities across six states totaling over 1.2 million square feet. They have 3 contiguous properties in Auburn under contract and are seeking to develop a 3-story, climate controlled self storage facility. These properties pose logistical challenges as well as community benefit opportunities.

   First, these properties are located on a problematic intersection. In order to alleviate congestion and integrate access with current traffic patterns the developers needed to acquire an additional lot and create a Right-in/ Right-out only scenario. To do so they will have to remove and relocate existing curb cuts and rebuild the existing pedestrian accomodations. Additionaly, there are existing contaminated soils and municipal easements on the property which will need to be remediated and acomodated during the development process.

   There does exist a community benefit opportunity on this site, which abuts the Androscoggin River just north of the Fox Island train trestle. The developers are willing to extend the existing Auburn River Walk pathway across their property. This would extend the current 1.6 miles of paved walking paths along the river by another potentially 1,000 feet.

   Under this Development Program, the City will capture the increased assessed value of taxable real property over the original assessed value of the District and retain the tax revenues generated by the captured assessed value for designated economic development purposes. The calculation of TIF Revenues (as defined below) is more specifically described below in Section VI – Financial Plan. In the Assessor's Certificate attached as Exhibit B hereto, the Assessor has certified the original assessed value of the District.

   By adopting this Development Program, the City is creating a TIF district that will: (1) maintain existing tax revenues; (2) enjoy enhanced future tax revenues generated by new development within the District; and (3) shelter the captured assessed value from impacting the overall State valuation for the City of Auburn, thereby minimizing: (a) potential decreases in the City's State school subsidy and State revenue sharing, and (b) potential increases in the City's county tax assessments and local school district contributions.

   Further, approval of this Development Program and the designation of the District will have a neutral impact on the existing tax base; only the increased assessed value over the original assessed value within the District will be captured. In addition, at the end of the District and Development Program, the City expects to emerge with a

substantial amount of new taxable property value to add to its municipal tax base.

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "TIF Statute"). Subsequent to a City Council vote designating the District and adopting this Development Program, evidenced by Exhibit I hereto, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 3 - Company/Developer Information

A. Business General Information
[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered]:

1. **Business name:** TAC Auburn, LP
2. **Business address:** 3565 Piedmont Road NE, Bldg 1, Suite 200, Atlanta, GA 30305-8202
3. **Business phone number:** 1-404-421-6646
4. **Business contact person:** Aaron Sommer
5. **Business contact person e-mail address:** asommer@diamondpointdevelopment.com
6. **Principal place of business:** 3565 Piedmont Road NE, Bldg 1, Suite 200, Atlanta, GA 30305-8202
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Limited Partnership
8. **Place of incorporation:** Georgia
9. **Name of Officer(s):** Click here to enter text.
10. **Name of principal owner(s) name:** Dror Bezalel, Matt Shulman, Todd Terwilliger
11. **Address:** 3565 Piedmont Road NE, Bldg 1, Suite 200, Atlanta, GA 30305-8202
12. **Brief project description:** The project is a 3 story climate controlled, Class A, self-storage facility.
13. **Total amount of project new investment by company/developer: $** $14,260,745
14. **Will there be a credit enhancement agreement with this business?** Yes. If so, complete the rest of this section and Section 4.

B. Disclosure, only in cases where a CEA is offered to the above business:

1. Check the public purpose(s) that will be met by the business using this incentive:

☐ **job creation** ☐ **job retention** ☐ **capital investment**
☐ **training investment** ☒ **tax base improvement** ☐ **public facilities improvement**
☐ **other (list):** Click here to enter text.

2. Check the specific item(s) for which TIF revenues will be used by the business:

☐ **real estate purchase** ☐ **machinery & equipment purchase** ☐ **training costs**
☐ **debt reduction**
☒ **other (list):** Environmental Clean up; Access Control

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (**If a developer**, check box ☐, and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support	1	1	$65,000
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical	1		$95,000
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
*See Occupational Cluster Descriptions for more information.			

INSTRUCTIONS

A. Job Creation Goals. Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, "full-time" employment means 30 hours or more; "part-time" employment means less than 30 hours. "Wage level" means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, "type" means "occupational cluster" which refers to the 12 categories listed in the "Occupational Cluster Descriptions." Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

B. Job Retention Goals. Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 5 - Development Program

Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?** Yes. See Exhibit J.

Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** Yes. **If yes, provide a brief, clear description:** Developers intend to construct a new self-storage facility.

Program Duration

3. **Duration of development district (may not exceed 30 years):**
   a. **District term: Original application**: 30.
   If an amendment, adding how many years? Choose a number **totaling how many years?** Choose a number.
   b. **Start date of** April 1, 2024 **with fiscal year** beginning July 1, 2024 (captured assessed value as of April 1, 2024).
   [Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]
   c. **End date of** March 31, 2054 **with fiscal year** June 30, 2054.

Original Assessed Value

4. **Provide the taxable assessed value of the development district as of the March 31st of the tax year preceding the property tax year in which the district was designated by the legislative body.**

			OAV of Real Property	OAV of Personal Property	As of (complete year)	Total acres	
Original district			$518,900.00	$0.00	3/31/2023		5.460
Amendment: (If applicable, with any property added/removed)	#1	-				-	
		+			3/31/____	+	
	#2	-				-	
		+			3/31/____	+	
	#3	-				-	
		+			3/31/____	+	
	#4	-				-	
		+			3/31/____	+	
	#5	-				-	
		+			3/31/____	+	
	#6	-				-	
		+			3/31/____	+	
	#7	-				-	
		+			3/31/____	+	
	#8	-				-	
		+			3/31/____	+	
	#9	-				-	
		+			3/31/____	+	
	#10	-				-	
		+			3/31/____	+	
Total	N/A				N/A		

***Municipal Assessor must certify above original assessed value(s) (Exhibit B).

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 6 - Financial Plan

Increased Assessed Value Information

1. **Total estimated cost for the development program: $** 4,424,689.53 (Should match "total" from Exhibit J)
2. **Municipality will capture** 100 **of** real property only **increased assessed value for each year of the district term, to apply to the development program.** Click here to enter text, if needed.
3. **If #2 above's captured assessed value is less than 100%, besides the district's original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** Click here to enter % to be deposited in General Fund/Education & Services fund.

Public Indebtedness

4. **Will there be public indebtedness?** Yes, to be determined.
    a. **If yes, what is the projected amount of public indebtedness to be incurred?** The City will not incur any indebtedness at this time; however, the City may elect to do so at a future date at the descretion of its City Council.
    b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** Choose an item. **If yes, provide the status, such as years left on bond and amount of outstanding debt.** Click here to enter text.

Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** The source of the revenue to be used to pay the costs of the public projects set forth in this Development Program is the Tax Increment on the increased Assessed Value of the District. Tax increment means all property taxes assessed by the City, in excess of any state, county or special district tax, upon the increased assesed value of all real property in the District. Increased assessed value means the valuation amount by which the current assessed value of the District exceeds the taxable original assessed value of the real property in the District. Current assessed value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property taxes means any and all ad valorem propert taxes levied, charged or assessed against real property by the City. Original assessed value means the taxable assessed value of real property in the District as of March 31, 2023 (April 1, 2022). All property tax on the original assessed value shall continue to be deposited into the City's general fund.
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** A portion of the Tax Increment from the District as described above will be used to finance a portion of the construction of the Company's new storage facility to be located within the District. The percentage of the Tax Increment will be paid to the Company under the terms of a Credit Enhancement Agreement as set forth below.

Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
    a. **Will CEAs be offered as part of this development program?** Yes.
    b. **List name(s) of company/developer to be offered a CEA:** TAC Auburn, LP
        i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** 50% for 15 years not to exceed $750,000

c. **Is this an omnibus application?** No.
If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s): Click here to enter text.

d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Development Program Fund and Tax Increment Revenues

Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and

2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and

2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X_____
Initial & date

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X_____
Initial & date

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Relocation of Person(s)/Business(es)

8. No businesses or persons will be displaced as a result of the development activities proposed within the District.

Transportation Improvements

9. This project will include the closure of a hazardous curb cut and the construction of a Right-In & Right-Out traffic pattern at the request of the city. Except for these improvements, the existing transportation facilities of the City will be adequate to accommodate the development activities within the District.

Environmental Controls

10. The improvements made under this Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements of the city.

District Operation

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
    a. **Public capital improvements:** This project will include a public easement and construction of a riverfront walking path which will connect to existing city owned facilities. The day-to-day operations of the District will not require substantial efforts by the City, other than staffing and programming primarily conducted by the City Manager's office and the Business and Community Development Office.
    b. **Private capital improvements:** The private improvements contemplated to occur within the District are expected to be funded by the developer, in part through the reimbursement of tax increment revenue pursuant to a credit enhancment agreement. Other than the credit enhancement agreement, the City will not be responsible for the funding or operation of private capital improvements within the District.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 7 - Notice and Hearing

1. **Date of public notice (must be minimally 10 days before the public hearing):** Click to enter a date.
   For Exhibit G, provide a legible **copy** of the newspaper page showing the public hearing , newspaper name and date of publication.

2. **Date of public hearing:** November 20, 2023
   For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.

3. **Date municipal or plantation legislative body approved original district designation:** Click to enter a date.
   Date municipal or plantation legislative body adopted original development program: Click to enter a date.
   If an amendment, is it to the:
   ☐ **district. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   ☒ **development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   ☐ **district and development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.

4. **Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit A - Statutory Requirements & Thresholds

**round to second decimal place

SECTION A. | Acreage Caps		
1. Total **municipal** acreage	41,430.00	
2. Acreage of **proposed** Municipal TIF District (if amendment, proposed updated total acreage)	5.460	
3. **Downtown-designation**[1] acres in proposed Municipal TIF district	0	
4. **Transit-Oriented Development**[2] acres in proposed Municipal TIF district	0	
5. **Total acreage [=A2-A3-A4]** of proposed Municipal TIF district counted toward 2% limit	5.460	
6. **Percentage [=A5÷A1]** of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)	0.013%	
7. **Total acreage** of all existing/proposed Municipal TIF districts in municipality **including** Municipal Affordable Housing Development districts:[3] See attached list.	Existing	662.03
	Proposed	5.460
	Total	667.49

30-A § 5223(3) EXEMPTIONS[4]	
8. Acreage of an existing/proposed **Downtown** Municipal TIF district	247.86
9. Acreage of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0
10. Acreage of all existing/proposed **Community Wind Power** Municipal TIF districts:	0
11. Acreage in all existing/proposed Municipal TIF districts **common to**[5] Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such acreage also factored in Exemptions 8-10 above:	0
12. **Total acreage [=A7-A8-A9-A10-A11]** of all existing/proposed Municipal TIF districts counted toward 5% limit	419.63
13. **Percentage of total acreage [=A12÷A1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)	1.013%

14. **Real property** in proposed Municipal TIF District that is:	ACRES	% **[=Acres÷A2]**
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	5.46	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		

[1] Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).
[2] For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.
[3] For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B must exclude AH-TIF valuation.
[4] Downtown/TOD overlap nets single acreage/valuation caps exemption.
[5] PTDZ districts approved through December 31, 2008.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

SECTION B. | Valuation Cap		
1. **Total TAXABLE** municipal valuation—April 1, 2023	$2,253,171,176	
2. **Taxable Original Assessed Value (OAV)** of proposed Municipal TIF District as of March 31, 2023 (April 1, 2022)	$518,900	
3. **Taxable OAV of all** existing/proposed Municipal TIF districts in municipality **excluding** Municipal Affordable Housing Development districts: See attached list.	Existing	$105,185,300
	Proposed	$518,900
	Total	$105,704,200
30-A § 5223(3) EXEMPTIONS		
4. **Taxable OAV** of an existing/proposed **Downtown** Municipal TIF district	$80,002,900	
5. **Taxable OAV** of all existing/proposed **Transit-Oriented Development** Municipal TIF districts	0	
6. **Taxable OAV** of all existing/proposed **Community Wind Power** Municipal TIF districts	0	
7. **Taxable OAV** of all existing/proposed **Single Taxpayer/High Valuation**[6] Municipal TIF districts	0	
8. **Taxable OAV** in all existing/proposed Municipal TIF districts **common to** Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such OAV also factored in Exemptions 4-7 above	0	
9. **Total taxable OAV [=B3-B4-B5-B6-B7-B8]** of all existing/proposed Municipal TIF districts counted toward 5% limit	$25,701,300	
10. **Percentage of total taxable OAV [=B9÷B1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)	1.141%	

COMPLETED BY			
PRINT NAME	Alyssa Tibbetts		
SIGNATURE		DATE	
If this form has **not been completed by the municipal or plantation assessor**, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME	Karen Scammon		
SIGNATURE		DATE	

[6] For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Existing Active TIF Districts

District Number	District Name	OAV	Acreage
6	Proctor & Gamble (Tambrands II)	$ 520,900.00	84
10	Downtown Omnibus	$ 80,002,900.00	247.86
12	Auburn Industrial Park	$ 334,200.00	144
13	Retail Development	$ 5,425,400.00	29.67
14	Mall Revitalization	$ 11,328,400.00	38.91
15	Mall Area Hotel	$ 4,900.00	1.5
16	Webster School (affordable housing)	$ -	1.4
19	Hartt Transportation Center	$ 1,278,600.00	43
20	62 Spring Street	$ 474,300.00	0.81
21	477 Minot Avenue (affordable housing)	$ -	3.83
22	Hampshire Street (affordable housing)	$ -	1.01
23	Memory Care	$ 327,100.00	8.61
24	Gracelawn	$ 262,600.00	2.92
25	FutureGuard	$ 3,838,700.00	26.2
26	North River Road Apartments	$ 60,300.00	3.32
27	Stable Ridge	$ 235,500.00	13.19
28	Agren Applicance	$ 1,051,500.00	11.64
29	186 Main Street (pending approval)	$ 40,000.00	0.16
30	Diamond Point Storage (pending approval)	$ 518,900.00	5.46
	TOTAL	**$ 105,704,200.00**	**667.49**

Exhibit B - Assessor's Certificate

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT B: Assessor's Certificate

CITY OF AUBURN
CERTIFICATE OF ASSESSOR

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the Auburn Municipal Tax Increment Financing District #30, the Diamond Point Storage Development District, as described in the Development Program for the District and as identified in more detail below, was $518,900 as of March 31, 2023 (April 1, 2022).

Map/Lot	Address	Acres	Original Assessed Value
251-019	Turner Street	4.07	$64,900
251-021	1 Center Street	0.93	$255,000
251-022	197 Turner Street	0.46	$199,000
	TOTAL	**5.46**	**$518,900**

This Certificate has been executed as of this ____ day of October, 2023.

_____
Karen Scammon, Municipal Assessor

Exhibit C - Map of District Location within Municipality

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #30 – Exhibit C
Map of District Location within Municipality

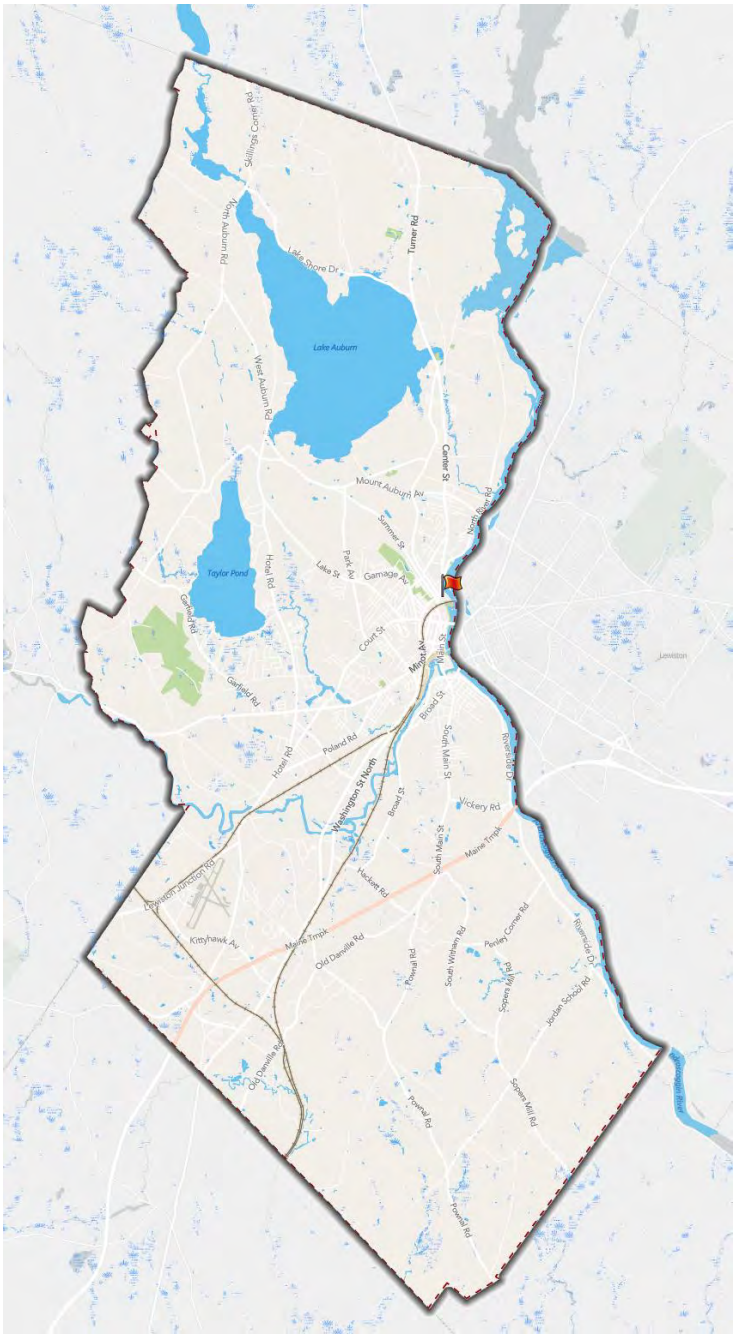


Exhibit D - Map of District Boundaries

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #30 – Exhibit D
Map of District Boundaries

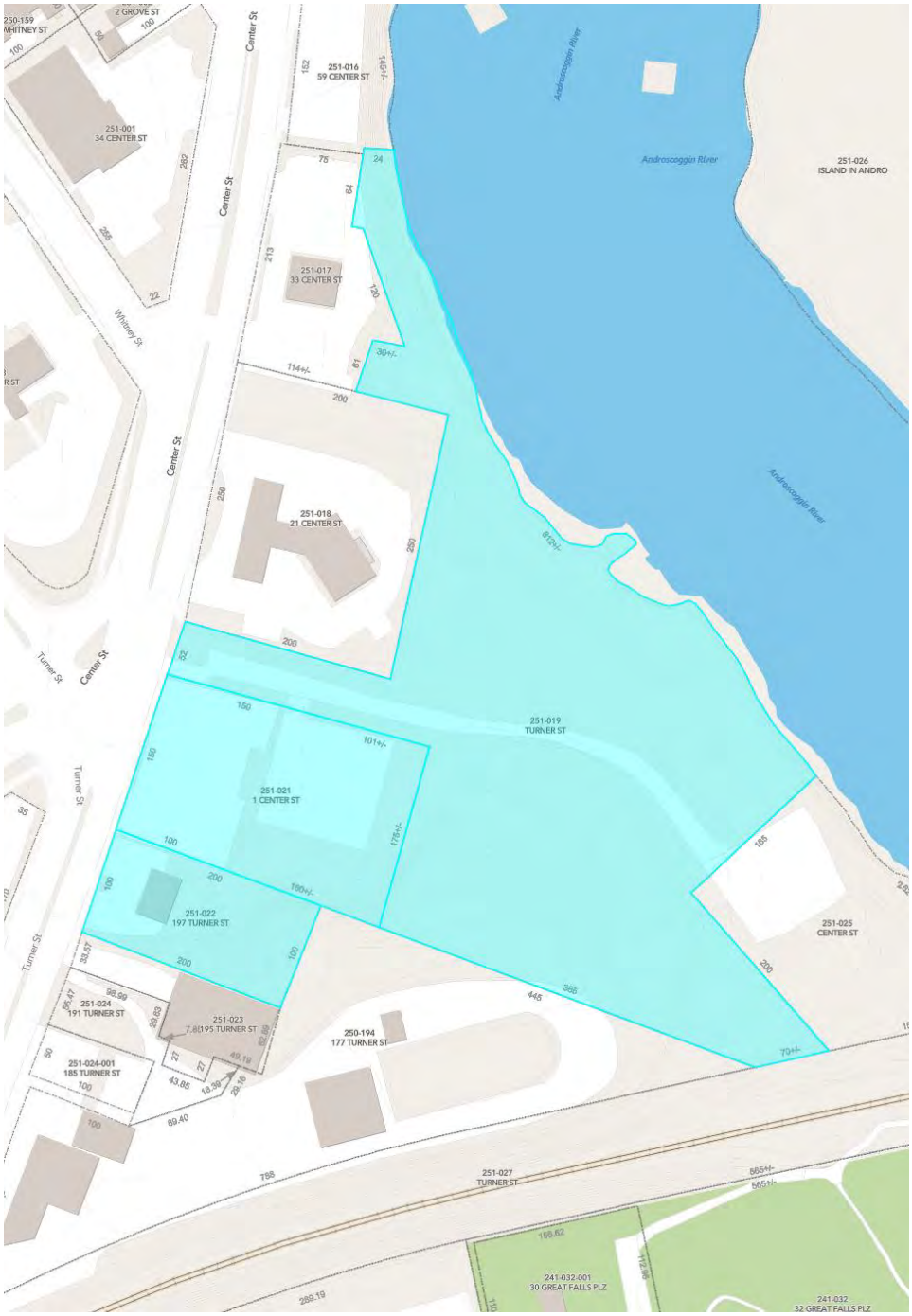


Exhibit E - Annual Revenue Spreadsheet

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT E : Annual Revenue Spreadsheet TIF Name: **TIF #30 Diamond Point Storage**

TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Original Assessed Value (OAV)	Increased Assessed Value (IAV)	Captured Assessed Value (CAV) %	MIL Rate	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV	CEA Payments to Developer %	Net Revenue on CAV to Development
1	2024	2025	**$476,200.00**		**100.0%**	**$22.75**	$10,833.55			50.0%	
2	2025	2026	$476,200.00	**$7,843,410**	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$89,218.79	$89,218.79
3	2026	2027	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$89,218.79	$89,218.79
4	2027	2028	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$89,218.79	$89,218.79
5	2028	2029	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$89,218.79	$89,218.79
6	2029	2030	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$89,218.79	$89,218.79
7	2030	2031	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$89,218.79	$89,218.79
8	2031	2032	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$89,218.79	$89,218.79
9	2032	2033	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$89,218.79	$89,218.79
10	2033	2034	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57	$36,249.77	$142,187.80
11	2034	2035	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
12	2035	2036	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
13	2036	2037	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
14	2037	2038	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
15	2038	2039	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
16	2039	2040	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
17	2040	2041	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
18	2041	2042	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
19	2042	2043	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
20	2043	2044	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
21	2044	2045	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
22	2045	2046	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
23	2046	2047	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
24	2047	2048	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
25	2048	2049	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
26	2049	2050	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
27	2050	2051	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
28	2051	2052	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
29	2052	2053	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
30	2053	2054	$476,200.00	$7,843,410	$7,843,410	$22.75	$10,833.55	$178,437.57	$178,437.57		$178,437.57
						30 Year TIF Totals=	**$325,006.50**	**$5,174,689.58**	**$5,174,689.58**	**$750,000.06**	**$4,424,689.53**
						Annual Average=			**$172,489.65**	**$89,218.79**	**$147,489.65**

Assumptions:

The OAV of the District consists of the parcel(s) identified within the Certificate of Assessor (Exhibit B) and a map of the District can be found in Exhibit C-D.

The IAV are estimates only based on the preliminary development plan. Actual IAV figures in each year may vary and as a result the projections are subject to change.

The City intends to capture: 100.0% of both real & personal property within the district.

The Mil Rate is $22.75 and is based on the current rate at time of application. This rate may change each year and as a result projections are subject to change.

The Development Program authorizes the city to enter into a credit enhancement agreement for reimbursement up to 50.0%

The Development Program established a cap of total cumulative reimbursement of no more than $750,000.06

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit F - Annual Tax Shift Spreadsheet

EXHIBIT F : Annual Tax Shift Spreadsheet			TIF Name: TIF #30 Diamond Point Storage				
TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Education Shift (Avoided Loss) State MIL Rate	Revenue Sharing Shift (Avoided Loss)	County Tax Shift (Avoided Increase)	Total Tax Shift	Net Revenue from CAV to Gen Fund (w/out TIF)
1	2024	2025	$6.97				
2	2025	2026	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
3	2026	2027	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
4	2027	2028	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
5	2028	2029	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
6	2029	2030	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
7	2030	2031	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
8	2031	2032	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
9	2032	2033	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
10	2033	2034	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
11	2034	2035	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
12	2035	2036	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
13	2036	2037	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
14	2037	2038	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
15	2038	2039	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
16	2039	2040	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
17	2040	2041	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
18	2041	2042	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
19	2042	2043	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
20	2043	2044	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
21	2044	2045	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
22	2045	2046	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
23	2046	2047	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
24	2047	2048	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
25	2048	2049	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
26	2049	2050	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
27	2050	2051	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
28	2051	2052	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
29	2052	2053	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
30	2053	2054	$54,668.57	$23,597.20	$8,072.89	$86,338.65	$92,098.92
		30 Year TIF Totals=	$1,585,395.38	$684,318.76	$234,113.79	$2,503,820.96	$2,670,868.62
		Annual Average=	$52,846.51	$22,810.63	$7,803.79	$83,460.70	$89,028.95

Assumptions:

The tax shifts resulting from sheltering of valuation from the state school funding formula are based on the state EPS funding model at the most recent MIL rate published. The estimated MIL rate indicated above is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the City avoids having to raise an amount equal to the valuation sheltered. The education rate used to calculate the education tax shift is based on the most recent adjusted mill rate of the Auburn Public School District.

The tax shifts resulting from the sheltering of valuation from the state revenue sharing formula are based on the most recent data available from Maine Revenue Services for the most recent fiscal year as published by the Office of the State Treasurer.

The tax shifts resulting from the sheltering of valuation from the County tax assessment are based on the actual Androscoggin County tax assessments for the most recent five years.

The OAV of the District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

These tax shift estimates are based on a captured assessed value of 100.0% of the estimated IAV.

The projected tax revenue is based on the estimate of increased assessed value multiplied by a MIL rate of $22.75

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit G - 10-Day Notice of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT G: 10-Day Notice of Public Hearing

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on November 20, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #30 the "Diamond Point Storage" Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 5.46 acres, which includes three parcels located at the intersection of Turner Street and Center Street, identified on the City's tax maps as Map 251, Lots 19, 21 and 22. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new self-storage facility by Diamond Point Development LLC.

The City proposes to offer the developer of this project a reimbursement of 50% of the property taxes paid by the developer on the new assessed property value in the District resulting from the project over a period of up to 15 years, not to exceed $750,000 total. This reimbursement will enable the developer to construct traffic improvements made necessary by the development of a new self-storage facility in the District. In addition, the City proposes to allocate the remainder of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City's use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects.

A copy of the proposed Development Program for the new District is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

Exhibit H - Minutes of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit I - Record of District Designation and Development Plan Adoption

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

ORDER OF THE AUBURN CITY COUNCIL
November 20, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Diamond Point Developers LLC for the commercial development of certain property within its General Business zoning district located at the intersection of Turner Street and Center Street; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Diamond Point Storage Municipal Development and Tax Increment Financing District #30 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #30 (the "Diamond Point Storage Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Diamond Point Storage Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

Exhibit J - Public Project Costs

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT J: Public Project Costs

	Project	Maximum Percentage of CAV	Cost Estimate*	Statutory Citation
1	Administrative & Professional Services Costs: Costs of prorated portion of salaries of City staff for time associated with creation and administration of District, and fund costs of professional services associated with creation and administration of District. Costs related to the administration and facilitation of management and monitoring of this TIF, not to exceed the indicated percentage of the revenue generated from captured assessed value of the development district.[3]	5.0%	$258,734	30-A M.R.S. §5225(1)(A)(4); (1)(A)(5); (1)(A)(7)
2	Economic Development Programs: Costs of the City's economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City's Economic Development Department. Costs related to the economic development programs, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[2, 3]	15.0%	$776,203	30-A M.R.S. § 5225(1)(C)(1); (1)(C)(3);
3	Road Improvements within our outside the district: Design, construction, engineering, other associated costs of road construction, sidewalk and pedestrian crossing safety improvements on roads located within the District or outside the District but directly related to or made necessary by the District, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[3]	10.0%	$517,469	30-A M.R.S. § 5225(1)(A)(1); (1)(B)(1)
4	Public Safety Facility within the city: Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the revenue generated from the captured assessed value of the development district.[1, 3]	15.0%	$776,203	30-A M.R.S. § 5225 (1)(C)(9)

5	Public Infrastructure within or outside the district: Eligible recreational trail-related development district capital costs include but are not limited to new or existing trails, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses, signs, crosswalks, signals and warning systems and other related improvements, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	10.0%	$517,469	30-A M.R.S. §5225(1)(A)(2)
6	Housing Development within the city: Costs associated with the development and operation of housing, including, but not limited to, authorized project costs for improvements as described in section 5249 even if such improvements are not made within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	10.0%	$517,469	30-A M.R.S. § 5225 (1)(A)(9); 30-A M.R.S. § 5249 (1)(A)(5); (1)(A)(7)
7	Economic Development related to Housing within the city: Costs of improvements that are made outside the tax increment financing district but are directly related to or are made necessary by the establishment or operation of the district, including, but not limited to project costs for improvements as described in section 5249 in support of municipal economic development activities regardless of whether such costs are within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	10.0%	$517,469	30-A M.R.S. § 5225 (1)(B)(4); 30-A M.R.S. § 5249 (1)(A)(8)
8	Administrative Facilities: Capital costs related to the construction or renovation of the City's central administrative office, the need for which is related to economic development within the City, up to 50% of such costs, not to exceed 15% of the captured assessed value within the District.	10.0%	$517,469	30-A M.R.S. § 5225(1)(C)(12)

9	Capital Costs within the district: Costs of improvements made within the district related to the acquisition or construction of land, structures, fixtures or equipment, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures and fixtures for public, recreational trail, commercial or transit use including, but not limited to site preparation, finishing work, real property assembly costs and other capital costs or debt service related to such improvements such as licensing, permitting, planning, engineering and architectural and legal expenses, and credit enhancement agreement payments, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[3]	15.0%	$776,203	30-A M.R.S. § 5225 (1)(C)(9); (1)(B)(1)
		100.0%	**$5,174,690**	

*These are estimates only. The City may allocate revenues generated by the district across approved project cost categories as needed.

Similar program costs contained within other current and future TIFs may be combined.

[1] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, and #6.

[2] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, #10, #6.

[3] The use of TIF revenue for this project cost has also been authorized in the City's TIF District #28.

All of the foregoing project cost categories have also been authorized in the City's TIF District #29 (pending approval).

Exhibit K - Comprehensive Downtown Redevelopment Plan

N/A

Exhibit L - Transit-Oriented Development District Map

N/A

Exhibit M - Credit Enhancement Agreement(s)

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

CREDIT ENHANCEMENT AGREEMENT

between

THE CITY OF AUBURN, MAINE

and

TAC Auburn, LP

DATE: _____, 2023

TABLE OF CONTENTS

ARTICLE I DEFINITIONS…… 3
Section 1.1. Definitions. 3
Section 1.2. Interpretation and Construction.....5

ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS .5
Section 2.1. Creation of Development Program Fund.....6
Section 2.2. Liens.....6
Section 2.3. Retention of Increment; Deposits into Development Program Fund. 6
Section 2.4. Use of Monies in Development Program Fund. 6
Section 2.5. Monies Held in Trust.....7
Section 2.6. Investments. 7
Section 2.7. Reporting Obligations. 7

ARTICLE III PAYMENT OBLIGATIONS 7
Section 3.1. Company Payments. 7
Section 3.2. Failure to Make Payment. 7
Section 3.3. Limited Obligation. 8

ARTICLE IV FURTHER INSTRUMENTS AND BOOKS AND RECORDS 8
Section 4.1. Further Instruments and City Costs.....8
Section 4.2. Access to Books and Records.....8

ARTICLE V DEFAULTS AND REMEDIES 9
Section 5.1. Events of Default.....9
Section 5.2. Remedies on Default. 10
Section 5.3. Remedies Cumulative. 10

ARTICLE VI EFFECTIVE DATE, TERM AND TERMINATION.....10
Section 6.1. Effective Date and Term. 10
Section 6.2. Cancellation and Expiration of Term. 10

ARTICLE VII ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST 11
Section 7.1. Pledge and/or Assignment. 11
Section 7.2. Transfer 11

ARTICLE VIII MISCELLANEOUS.....11
Section 8.1. Successors. 11
Section 8.2. Parties-in-Interest. 12
Section 8.3. Severability. 12
Section 8.4. No Personal Liability. 12
Section 8.5. Counterparts. 12
Section 8.6. Governing Law. 12
Section 8.7. Amendments. 12
Section 8.8. Integration. 13

Section 8.9. Dispute Resolution.....13
Section 8.10. Records.....13
Section 8.11. Notices.....13

THIS CREDIT ENHANCEMENT AGREEMENT dated as of _____ __, 2023, between the City of Auburn, Maine (the "City"), a municipal corporation and political subdivision of the State of Maine, and TAC Auburn, LP (the "Developer"), a foreign Limited Partnership with a principal place of business located at 3565 Piedmont Road NE, Building 1, Suite 200, Atlanta, GA 30305.

WITNESSETH THAT

WHEREAS, the Developer owns property located on Turner and Center Streets in Auburn, Maine (the "Property"), and intends to construct a new 93,500 square foot, Grade-A self-storage facility on the Property (the "Project"); and

WHEREAS, the City designated the Diamond Point Storage Tax Increment Financing Development District #29 (the "District") pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, by vote at a City Council Meeting held on _____ (the "Vote"), and

WHEREAS, the City received the approval of the District and the Development Program by the Maine Department of Economic and Community Development dated _____; and

WHEREAS, the City authorized the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to an Order of the City Council, adopted on _____; and

WHEREAS, the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the credit enhancement agreement contemplated and described in the Development Program; and

WHEREAS, the estimated cost of off-site improvements required in connection with the development of the Property is estimated to be approximately $14,260,745; and

WHEREAS, the cost to construct the Project and maintain the commercial activity and employment opportunities in the City of Auburn requires financial assistance from the City to ensure completion of the Project; and

WHEREAS, completion of the Project will contribute to the economic growth and well-being of the City, and enable public facilities and improvements to the betterment of the health, welfare and safety of its inhabitants; and

DRAFT

WHEREAS, the City has decided to induce the Developer to undertake the Project through the use of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

"Act" means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

"Agreement" shall mean this Credit Enhancement Agreement between the City and the Developer dated as of the date set forth above, as such may be amended from time to time.

"CEA Year(s)" shall have the meaning given such term in Section 2.3(a) hereof.

"City" shall have the meaning given such term in the first paragraph hereto.

"City Project Cost Subaccount" means that portion of the Project Cost Account of the Development Program Fund set aside for the City uses as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof.

"City Payments" means for each CEA Year the Developer Percentage of the Increased Assessed Value payable in accordance with the terms of this Agreement.

"Commissioner" means the Commissioner of the Maine Department of Economic and Community Development.

"Current Assessed Value" means the then current assessed value of real property within the District as determined by the City Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

"Department" means the Maine Department of Economic and Community Development.

"Developer" shall have the meaning given such term in the first paragraph hereto.

"Developer Percentage" means fifty percent (50%) of the Increased Assessed Value in each Tax Year on which Property Tax payments are made by the City to the Developer as City Payments under the terms of this Agreement, subject to the limitations set forth herein.

DRAFT

"Developer Project Cost Subaccount" means that portion of the Project Cost Account of the Development Program Fund set aside for the Developer as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof

"Developer Property" or "Property" means the total of 5.46 acres that comprises the District, consisting of three parcels identified on the City's tax maps as Map 251, Lot 19, 21 and 22.

"Development Program" means the development program and financial plan for the District adopted by the City, as amended.

"Development Program Fund" means the Diamond Point Storage Municipal Development and Tax Increment Financing Development Program Fund described in the Financial Plan section of the Development Program and established and maintained pursuant to Article II hereof and 30-A M.R.S.A § 5227(3)(A).

"District" shall have the meaning given such term in the first recital hereto, which is more specifically comprised of approximately 5.46 acres of real property and identified in Exhibits B, C and D to the Development Program and any future improvements to such real property.

"Financial Plan" means the financial plan described in the "Financial Plan" Section of the Development Program.

"Fiscal Year" means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

"Increased Assessed Value" means, for each CEA Year, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in the corresponding CEA Year.

"Incremental Property Tax Payments" means all real property tax payments related to the Increased Assessed Value, inclusive of interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

"Original Assessed Value" means $518,900, the taxable assessed value of the real property within the District as of March 31, 2023 (April 1, 2022).

"Project Cost Account" means that portion of the Development Program Fund for the District as defined in the Financial Plan Section of the Development Program and established and maintained according to Title 30-A M.R.S.A. § 5227(3)(A)(1) and Article II hereof.

"Property Tax" means any and all *ad valorem* property taxes levied, charged or assessed against real property located in the District by the City, or on its behalf.

"State" means the State of Maine.

DRAFT

"Tax Increment Revenues" means that portion of all real property taxes assessed and paid within the District to the City in any Tax Year, excluding any state, or special district tax, including any scheduled payments thereof, interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

"Tax Payment Date" means the date(s) on which property taxes levied by the City are due and payable from the owners of property located within the City.

"Tax Year" shall have the meaning given such term in 30-A M.R.S.A. §5222(18), as amended, to wit: April 1 to March 31. Each Tax Year corresponds to a particular Fiscal Year. Each CEA Year occurs during a Fiscal Year.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before, the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

(e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II
DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

DRAFT

Section 2.1. Creation of Development Program Fund.

The City shall create and establish a segregated fund in the name of the City designated as "The Diamond Point Storage Municipal Development and Tax Increment Financing District Fund" (hereinafter the "Development Program Fund") pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5227(3). The Development Program Fund shall consist of the Project Cost Account that is pledged to and charged with the payment of project costs as outlined in the Financial Plan of the Development Program and as provided in 30-A M.R.S.A. § 5227(3)(A)(1). The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S.A. § 5227(3)(B). The Project Cost Account shall also contain two subaccounts designated as the "Developer Project Cost Subaccount" and the "City Project Cost Subaccount."

Section 2.2. Liens.

The City shall not create any liens, encumbrances or other interests of any nature whatsoever, nor shall it hypothecate the Developer Project Cost Subaccount described in Section 2.1 hereof or any funds therein, other than the interest in favor of the Developer and/or the Trustee hereunder in and to the amounts on deposit.

Section 2.3. Retention of Increment; Deposits into Development Program Fund.

(a) Commencing with the Tax Year beginning April 1, 2024, and for a period not to exceed twenty years, ending March 31, 2044 (each a "CEA Year" and collectively the "CEA Years" herein), the City shall retain at least the Developer Percentage of the Increased Assessed Value within the District for the benefit of the Developer as set forth herein.

(b) For each of the CEA Years, the City shall deposit into the Developer Project Cost Subaccount an amount equal to the Developer Percentage of each Incremental Property Tax Payment paid on Increased Assessed Value, up to a cumulative amount of $750,000. Such deposits shall be made by the City within 10 business days after the Property Tax due date at the time in effect; currently due semi-annually on each September 15 and March 15. In the event any such payment allocable to the Developer Percentage of Incremental Property Tax Payments is not timely paid to the City, the City shall deposit such payment (plus any allocable interest) within 10 business days of receipt of such payment.

(c) Notwithstanding anything to the contrary contained herein, all allocations to the Developer Project Cost Subaccount and payments to the Trustee for deposit therein shall cease at the conclusion of the term of this Agreement identified in Section 2.3(a) hereof subject to extension as identified in Section 6.1(a) hereof.

Section 2.4. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in the Developer Project Cost Subaccount shall in all cases be used and applied to fund fully the City's

DRAFT

payment obligations to Developer described in Articles II and III hereof. All monies required to be deposited in the Developer Project Cost Subaccount shall be used by the Developer for construction of the Project.

Section 2.5. Monies Held in Trust.

Except as otherwise provided in this Agreement, all monies required to be deposited with or paid into the Developer's Project Cost Sub-Account of the Development Program Fund are to fund payments to the Developer under the provisions hereof and the provisions of the Development Program for the benefit of the Developer in accordance with the provisions of this Agreement.

Section 2.6. Investments.

Monies in the Developer's Project Cost Sub-Account may be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts so invested are needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Sub-Account of the Development Program Fund.

Section 2.7. Reporting Obligations.

Developer covenants and agrees to provide the City promptly upon request with all documentation reasonably required by the City to confirm the costs and completion of the projects set forth in Section 2.4.

ARTICLE III
PAYMENT OBLIGATIONS

Section 3.1. Company Payments.

(a) The City agrees to pay Developer all amounts then on deposit in the Company Project Cost Subaccount, on or before thirty (30) days following the Tax Payment Date.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real property located in the District remain unpaid, because of a valuation dispute or otherwise, the City shall be under no obligation to pay Developer's share of the disputed portion of the Tax Increment Revenues to Developer. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall be applied to taxes due on account of Original Assessed Value and, next to Sinking Fund Account as applicable, to the taxes due on account of the allocation of TIF Revenues for the City Project Cost Subaccount, and next to the taxes due in account of the allocation of TIF revenues for the Company Project Cost Subaccount.

Section 3.2. Failure to Make Payment.

DRAFT

(a) In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Development Program Fund is insufficient to reimburse Developer for the full amount due to Developer under this Agreement the City shall be in breach of the terms hereof, and the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, subject to the limitations of Section 3.3 below.

Section 3.3. Limited Obligation.

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to Developer hereunder, whether or not actually deposited into Company Project Cost Subaccount in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

ARTICLE IV
FURTHER INSTRUMENTS AND BOOKS AND RECORDS

Section 4.1. Further Instruments and City Costs.

The City shall, upon the reasonable request of Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by Developer.

Section 4.2. Access to Books and Records.

(a) All non-confidential books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by Developer, its agents and employees.

DRAFT

(b) All non-confidential books, records, lease agreements and documents in the possession of Developer relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by City, its agents and employees.

ARTICLE V
DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an "Event of Default":

(a) Any failure by the City to pay any amounts due to Developer when the same shall become due and payable;

(b) Any failure by the City to make deposits into Development Program Fund, including the Company Project Cost Subaccount, as and when due;

(c) Any failure by the City or Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or Developer to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof;

(d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the Developer's affairs shall have been entered against the Developer or the Developer shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Developer or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Developer or the failure by the Developer to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Developer;

(e) If any secured lender of Developer accelerates the indebtedness owed to it;

(f) If any written representation or warranty given to the City by Developer is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent; and

(g) If Developer fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the Developer's secured lenders and/or

Developer allows mechanics' liens to encumber the Project for a period of more than sixty (60) days.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.9, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.9 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

ARTICLE VI
EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term.

This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof and shall expire upon the performance of all obligations on the part of the City and the Developer hereunder or upon any earlier termination as provided in this Agreement.

Upon receipt of such approval, this Agreement shall remain in full force from April 1, 2024 and shall expire March 31, 2036 or sooner upon the payment of all amounts due to Developer hereunder and the performance of all obligations on the part of the City hereunder, unless even sooner terminated pursuant to any other applicable provision of this Agreement.

Section 6.2. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII
ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Pledge and/or Assignment.

The City hereby acknowledges that Developer may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank or financial institution to Developer for the Project, although no obligation is hereby imposed on Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishment, perfection and protection of its interest herein. Developer shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Transfer

Except as specified in Sections 7.1 and 8.1 hereof, Developer shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE VIII
MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the City or Developer, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from

DRAFT

time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and Developer.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability.

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of the Developer contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of the Developer in his or her individual capacity, and no officer, employee or agent of the Developer shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Amendments.

DRAFT

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.8. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.9. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Auburn, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

Section 8.10. Records.

The City shall maintain a record demonstrating its calculation of the Increased Assessed Value and Tax Increment Revenues within the District as it relates to deposits to the Development Program Fund pursuant to Article II and payments to the Developer under Article III of this Agreement, and shall provide Developer with a copy of the same upon request.

Section 8.11. Notices.

All notices, certificates, requests, requisitions or other communications by the City or Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

Phillip Crowell
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

With a copy to:

DRAFT

Alyssa C. Tibbetts, Esq.
Jensen Baird Gardner Henry
10 Free Street
P.O. Box 4510
Portland, Maine 04112

If to Developer:

Jason Sommer
PAC Auburn, LP
3565 Piedmont Road NE
Building 1, Suite 200
Atlanta, GA 30305

With a copy to:

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

[SIGNATURE PAGE TO FOLLOW]

DRAFT

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

_____

CITY OF AUBURN

By:_____
Name: Phillip L. Crowell, Jr.
Its City Manager Duly Authorized by the City Council on _____

WITNESS:

_____

PAC AUBURN, LP

By:_____
Name:
Its:

DRAFT

Exhibit N - Municipality TIF Policy

CITY OF AUBURN
TAX INCREMENT FINANCING
&
CREDIT ENHANCEMENT
POLICY
AND
GUIDELINES

The following are the City of Auburn Tax Increment Financing (TIF) Policy and Credit Enhancement Agreement Application Guidelines.

I. Purpose and Introduction

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no decrease in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all of the incremental real and/or personal property tax revenues derived from new development or expansion of an existing development and provides a means of financing the economic and community development goals of Auburn as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. The captured tax revenues from a TIF District can be used to finance municipal investments and City infrastructure projects; and can also be used to provide incentive or financing to a private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines are to provide guidance and outline standards for the development of TIF's and CEA's in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with any or all of these guidelines, the creation of a TIF District or authorization of a Credit Enhancement Agreement is a policy decision of the City of Auburn to be evaluated by the City on a case-by-case basis. Adopting this policy or any TIF District does not create a right or entitlement to assistance by any applicant.

II. Eligibility for Assistance

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of $1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that provides developers with reimbursement of a percentage of the property tax revenue paid on the increased assessed value (or incremental value) of their property. Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing shall be held to receive public comment on a completed CEA application at least ten days prior to a meeting at which the CEA is being considered for approval by the City Council.

Ill. Application Process

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing TIF District are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECD). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City, and all recommendations for TIF assistance shall be based on the merits of the project and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. They will monitor ongoing investments in the development project if TIF assistance is granted.

All applicants for TIF assistance must pay a $500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee equal to 2% of the incremental tax reallocated back to the project will be assessed.

IV. Waiver of Provisions

The City of Auburn reserves the right under certain conditions to waive the provisions of the policy. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria to be considered with granting a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

V. Mandatory Guidelines

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the entire capital investments needed to undertake the project
- The project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- The developer is financially capable of undertaking the project
- The developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

VI. Guidelines that Determine the Level of Municipal Participation

Although the applicants' project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities that have applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

VII. Transfer of Ownership

If the applicant transfers ownership of property in the TIF District subject to a CEA to which the applicant is a party, the applicant must notify the City Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

VIII. Annual Expenditure of TIF Revenues for Municipal Projects

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.

ORDER 151-11202023

City Council Order

IN CITY COUNCIL

ORDER OF THE AUBURN CITY COUNCIL
November 20, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Diamond Point Developers LLC for the commercial development of certain property within its General Business zoning district located at the intersection of Turner Street and Center Street; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Diamond Point Storage Municipal Development and Tax Increment Financing District #30 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #30 (the "Diamond Point Storage Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Diamond Point Storage Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the

City Council Order

requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: John Blais

Subject: Proposed Map Change Converting Rural Residential Zoning District to Low Density Country Residence Zone within the Lake Auburn Watershed Overlay District.

Information: First reading, to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

As a positive recommended by Planning Board. This change is conjunction with updates proposing several text amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District including amending subsurface wastewater disposal (SSWD), or septic system standards requiring a limiting soil horizon of at least 36 inches and that the bottom the disposal field be at least 24 inches above the limiting soil horizon "limiting factor".

Several lots in the Lake Auburn Watershed Overlay District are not currently buildable because they do not have suitable soil to host a septic system under the current standard. While offering better effluent treatment to the SSWD systems in the Lake Auburn Watershed Overlay District, changing this design standard by allowing mounded systems would likely also have the effect of rendering more lots in the Lake Auburn Watershed Overlay District buildable with the allowance of mounded systems. More buildable lots may mean creating more potential SSWD systems, more land-based runoff, and less forested or vegetated areas to collect nutrients before they enter lake Auburn.
The purpose of this map amendment is to offset the building potential created by modernizing the SSWD standards. The planning board recommended to city council that changing the septic standards should coincide with changing the zoning in the Lake Auburn Watershed to allow fewer houses to offset the possible unwanted development in the watershed of Auburn's drinking water supply.
This map amendment proposes changing all land in the Low-Density Rural Residence or Rural Residence (RR) zoning district, shown in brown, to the Low-Density Country Residence (LDCR) zoning district, shown in green, within the Lake Auburn Watershed Overlay District. This change reduces the density from one dwelling unit per acre and minimum 250 feet road frontage to one dwelling unit per three acres and minimum 325 feet road frontage. For reference, the relevant meetings to this point have been listed below. This change considered with the Overlay District amendments will reduce total potential for development and ensure that any development that does occur will meet a

higher standard for the protection of Lake Auburn. text amendments will reduce total potential for development and ensure that any development that does occur will meet a higher standard for the protection of Lake Auburn.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Council completes the first reading tonight and plan to hold the public hearing on December 4, 2023 for the map amendment of 1,030 acres to Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn Watershed to the Low-Density Country Residence (LDCR) zoning district.

Previous Meetings and History:

Apr. 12, 2022— Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn Watershed Overlay District.

May 2, 2022—City Council orders the Planning Board to consider a zone change reducing housing density in the Lake Auburn Watershed from one dwelling per acre to one dwelling per three acres in the Rural Residence zoning district in the Lake Auburn Watershed.

May 3, 2022—Special Planning Board workshop to consider reducing the housing density in all parts of the Lake Auburn Watershed from one unit per acre to one-unit per three acres by changing RR zone to the LDCR zone.

Aug. 15, 2022—City Council workshop on reducing housing density in Lake Auburn Watershed from one dwelling unit per acre to one dwelling unit per three acres in the Rural Residential District in the Lake Auburn Watershed.

October 11, 2022—Planning Board Public Hearing to change RR to LDCR in all portions of the Lake Auburn watershed. Motion to recommend change to Council.

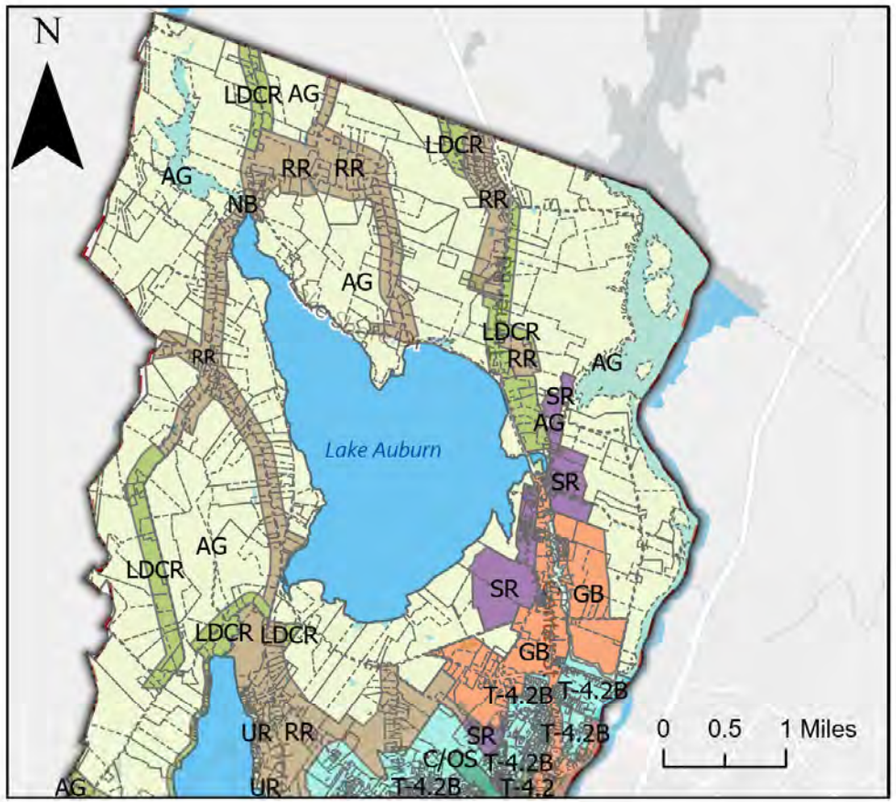
October 10, 2023—Planning Board workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR
October 16, 2023—City Council workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR
November 14, 2023-Planning Board, Public Hearing.

City Manager Comments:

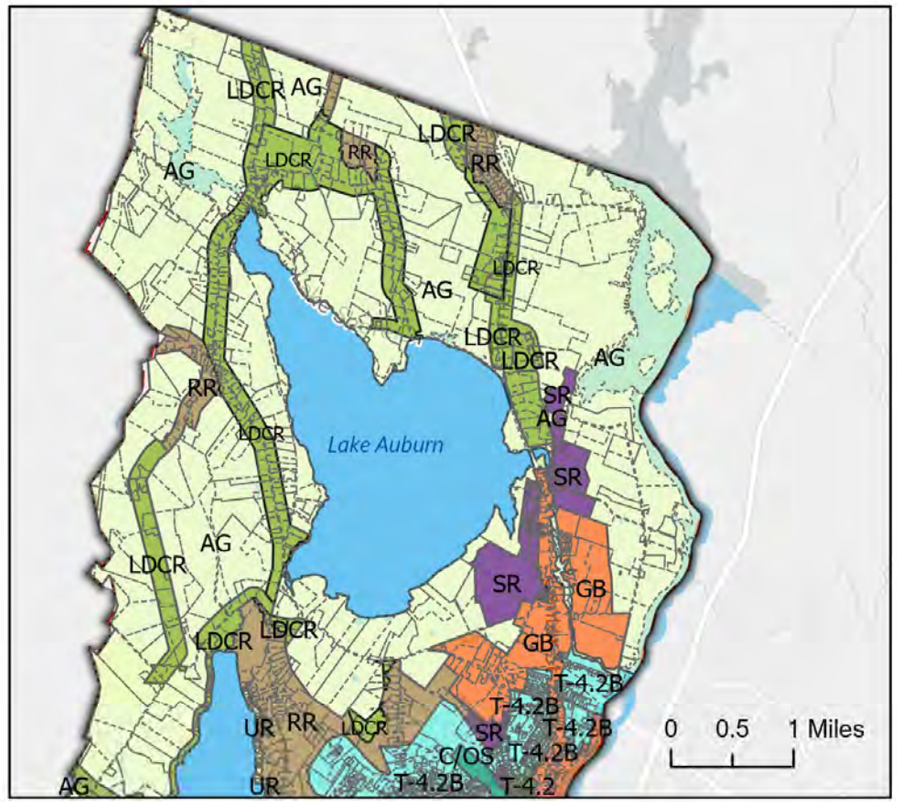
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed Ordinance, planning board motion, planning board staff report (text amendments) staff report (RR to LDCR), watershed zone map (existing RR), watershed zone map (proposed LDCR)

Zoning Map Amendment for Public Hearing November 14, 2023:
Rezoning Approximately 1,030 Acres of RR to LDCR



Existing Zoning



Proposed Zoning

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

Source: City of Auburn, Zoning Map, dated May 16, 2016

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 11/20/2023
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation to City Council on proposed map amendment to change the minimum lot size to three acres in the residential areas of the Lake Auburn watershed

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Map Amendment: Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

MOTION: David Trask makes a motion; **SECOND:** Evan Cyr seconds.

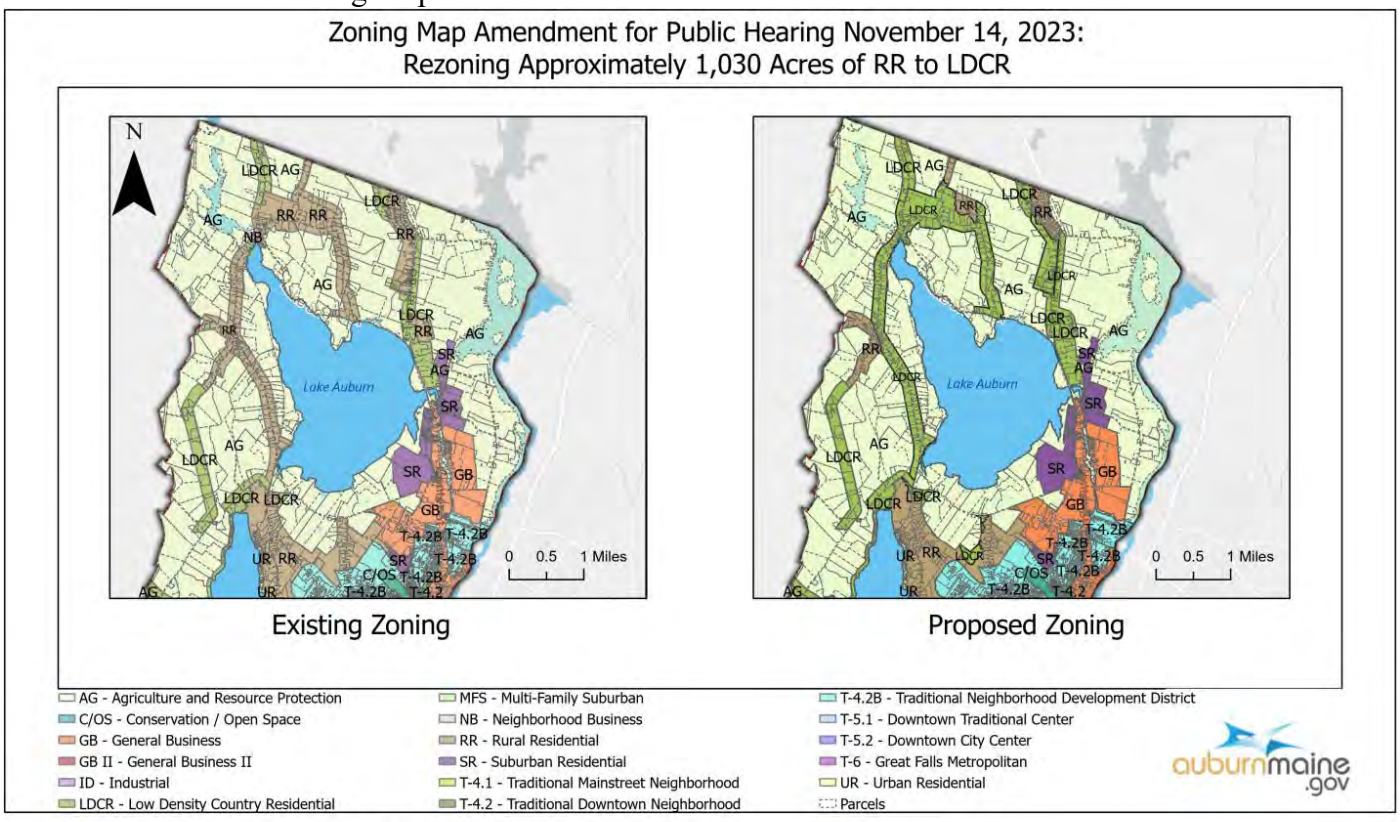
"I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence zoning district within the Lake Auburn Watershed to the Low-Density Country Residence zoning district." **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: November 14, 2023
To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator

Subject: Staff Report on Proposed Map Change Converting Rural Residential Zoning District to Low Density Country Residence Zone within the Lake Auburn Watershed Overlay District.

I. **Proposal: Public Hearing/ Map Amendment:** Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.



Source: City of Auburn, Zoning Map, dated May 16, 2016

II. **Background:** The City of Auburn is proposing several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District including amending subsurface wastewater (SSWW) disposal, or septic system standards requiring a limiting soil horizon of at least 36 inches and that the bottom the disposal field be at least 24 inches above the limiting soil horizon limiting factor. This current standard does not allow for the most effective treatment of effluent because it forces effluent to travel below the organic duff layer, where the best treatment would occur. Under this existing standard, the treatment occurs in sandy, well-drained soils, which are not able to capture and treat onsite waste

nutrients. The proposed system decreases the limiting soil horizon to 12" but requires the disposal field to be treated through the existing natural duff layer and the required suitable natural soil or specified soil media must provide a minimum separation of 36-inch separation between the bottom of the disposal field and limiting factor. The proposed update is intended to improve the treatment efficiency of approximately 251 existing systems within the Lake Auburn watershed thereby reducing the potential accumulation of non-point source pollution to Lake Auburn.

Several lots in the Lake Auburn Watershed Overlay District are not currently buildable because they do not have suitable soil to host a septic system under the current standard. While offering better effluent treatment to the SSWW disposal systems in the Lake Auburn Watershed Overlay District, changing this design standard by allowing mounded systems would likely also have the effect of rendering more lots in the Lake Auburn Watershed Overlay District buildable with the allowance of mounded systems. More buildable lots may mean creating more potential SSWD systems, more land-based runoff, and less forested or vegetated areas to collect nutrients before they enter lake Auburn.

The purpose of this map amendment is to offset the building potential created by modernizing the SSWW disposal standards. The planning board recommended to the city council that changing the septic standards should coincide with changing the zoning in the Lake Auburn Watershed to allow fewer houses to offset the possible unwanted development in the watershed of Auburn's drinking water supply.

This map amendment proposes changing all land in the Low-Density Rural Residence or Rural Residence (RR) zoning district, shown in brown, to the Low-Density Country Residence (LDCR) zoning district, shown in green, within the Lake Auburn Watershed Overlay District. This change reduces the density from one dwelling unit per acre and minimum 250 feet road frontage to one dwelling unit per three acres and minimum 325 feet road frontage. For reference, the relevant meetings to this point have been listed below. This change considered with the Overlay District amendments will reduce total potential for development and ensure that any development that does occur will meet a higher standard for the protection of Lake Auburn.

Previous Meetings and Actions:

- **Apr. 12, 2022**— Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn Watershed Overlay District.
- **May 2, 2022**—City Council orders the Planning Board to consider a zone change reducing housing density in the Lake Auburn Watershed from one dwelling per acre to one dwelling per three acres in the Rural Residence zoning district in the Lake Auburn Watershed.
- **May 3, 2022—**Special Planning Board workshop to consider reducing the housing density in all parts of the Lake Auburn Watershed from one unit per acre to one-unit per three acres by changing RR zone to the LDCR zone.
- **Aug. 15, 2022**—City Council workshop on reducing housing density in Lake Auburn Watershed from one dwelling unit per acre to one dwelling unit per three acres in the Rural Residential District in the Lake Auburn Watershed.
- **October 11, 2022**—Planning Board Public Hearing to change RR to LDCR in all portions of the Lake Auburn watershed. Motion to recommend change to Council.
- **October 10, 2023**—Planning Board workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR
- **October 16, 2023**—City Council workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR

-

III. Planning Board Action: Hold a Public Hearing and recommend approval of the zoning map change to the City Council.

IV. Suggested Motion: I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas (1030+/-acres) in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn Watershed to the Low-Density Country Residence (LDCR) zoning district.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

(b) *Special exception uses*. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for

domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

Secs. 60-203—60-227. Reserved.

Ordinance: 24-11202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from LDRR or RR to LDCR

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: John Blais

Subject: Proposed Map Change from Agriculture and Resource Protection (AGRP) to General Business (GB)

Information: The proposal was initiated by the planning board in a workshop on October 10, 2023, and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map. Early today, the planning board will consider updating the Lake Auburn Watershed Overlay zoning map to match the "DWP Potential Boundary" that was agreed upon by the City of Auburn, Auburn Water and Sewer District, and Lewiston Water Division.

The land area that is removed from the watershed, approximately 80 acres, is currently zoned AGRP 20 acres will remain as AGRP. Staff believes that General Business (GB) would be the most appropriate option to apply in this area based on direction from the 2021 Comprehensive Plan. The Future Land Use Plan for the area near Gracelawn to be changed to the Commercial Development District, which is synonymous with the General Business District in its allowed uses and densities. An important goal for the city is listed in Strategy I.2.3.c in the Comprehensive Plan: to "Investigate opportunities for high quality, creative use of vacant land and/or buildings in and around commercial/ industrial centers." This includes rezoning Gracelawn Pits as a planned development site to be used for a mix of office, retail, and residential space, while assuring that the water quality of Lake Auburn is protected (page 73, Comprehensive Plan) because of its proximity to the abutting GB zone across Mount Auburn Ave.

At the November 14th planning board meeting, the board voted to recommend changing the zone in this area to GB. The motion itself is attached to this packet. The planning board had the following findings in their review.

1. The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone.
2. The new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill.

3. The proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council discuss the proposals and provide the first reading and vote and prepare for the final reading and public hearing on December 4, 2023.

Previous Meetings and History:

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens' petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023— "**DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.

Nov. 2, 2023—City staff send DWP Lake Auburn Watershed Overlay District updates.

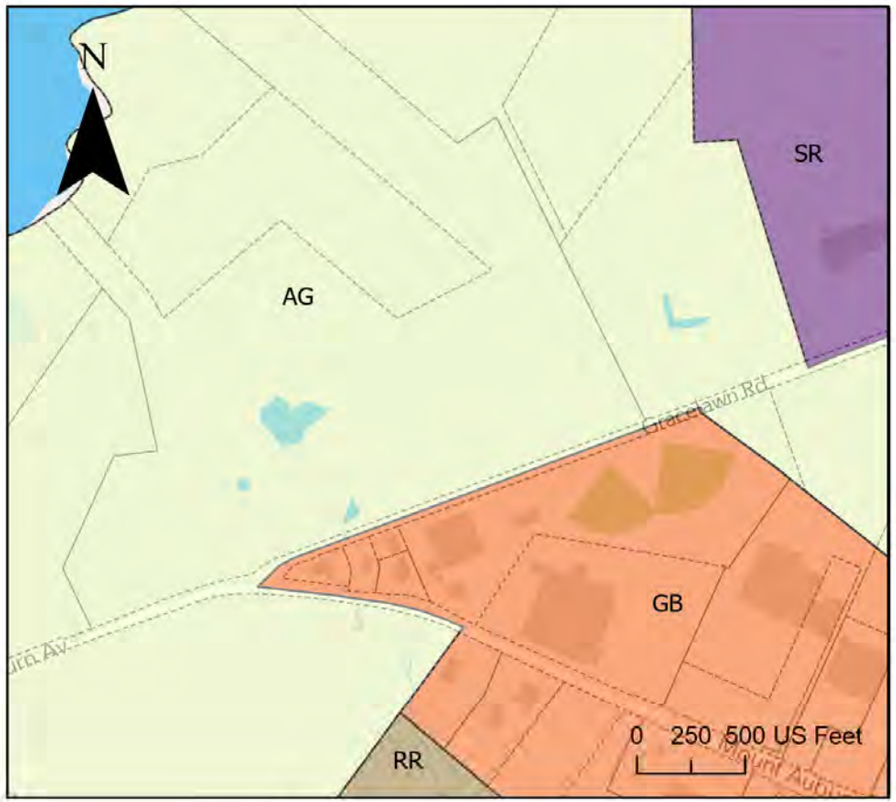
- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
- **Nov. 20, 2023**—Anticipated City Council first reading on amending the Lake Auburn Watershed Overlay District.
- **Dec. 4, 2023**—Anticipated City Council second reading and public hearing on amending the Lake Auburn Watershed Overlay District.

City Manager Comments:

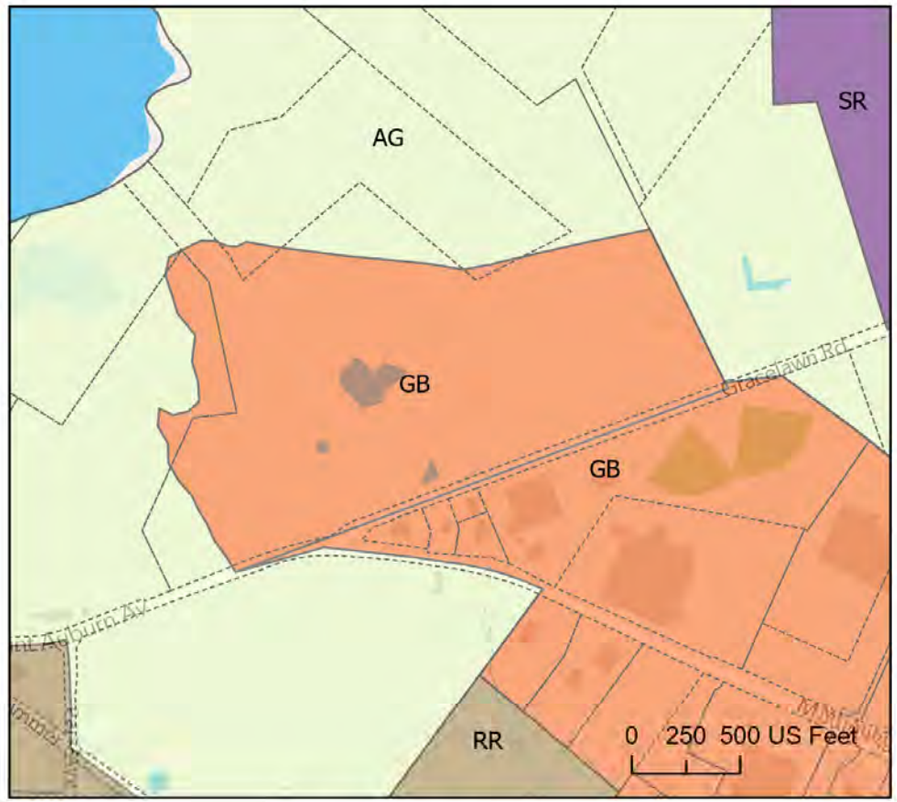
I concur with the recommendation. Signature:

Attachments: Proposed Ordinance, planning board motion, staff report (new watershed zone GB), GB zone ordinance and updated Map.

Zoning Map Amendment for Public Hearing November 14th 2023:
Rezoning Approximately 60 Acres of AGRP to GB



Existing Zoning



Proposed Zoning

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

* City of Auburn, Zoning Map, dated May 16, 2016

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 11/20/2023
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation to City Council on proposed map amendment changing the Gracelawn area from AGRP to GB zoning district

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Map Amendment: Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by rezoning approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district. The proposal was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

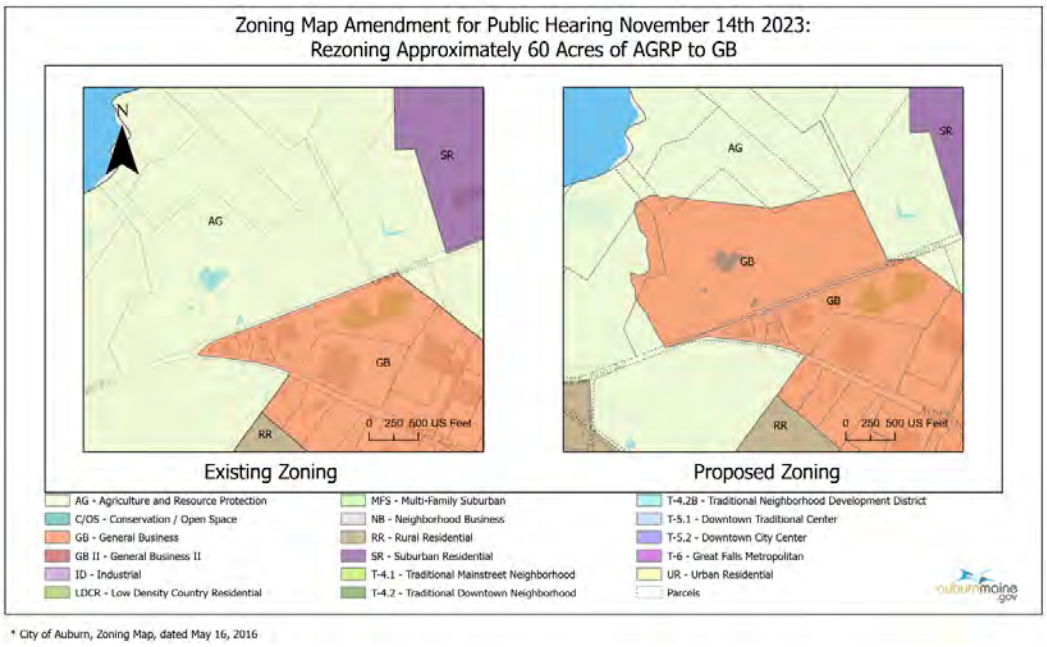
MOTION: David Trask makes a motion; **SECOND:** Amanda Guerrette second.

"I'm going to make a motion that we recommend to the council that we support the proposed changes to include that the General Business Boundary be adjusted to include the 60 acres shown on the map based on the following findings: The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone. The proposed new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc., CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new proposed adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill and that the proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan."
VOTE: 6-1-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: November 11, 2023

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning and Permitting
Re: Staff Report on Proposed Map Change from Agriculture and Resource Protection (AGRP) to General Business (GB)



* City of Auburn, Zoning Map, dated May 16, 2016

I. **Public Hearing/ Map Amendment:** New zone considerations for area along Gracelawn Road amending approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district.

II. **Background:** The proposal was initiated by the planning board in a workshop on October 10, 2023, and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map. Early today, the planning board will consider updating the Lake Auburn Watershed Overlay zoning map to match the "DWP Potential Boundary" that was agreed upon by the City of Auburn, Auburn Water and Sewer District, and Lewiston Water Division.

The land area that is removed from the watershed, approximately 80 acres, is currently zoned AGRP 20 acres will remain as AGRP. Staff believes that General Business (GB) would be the most appropriate option to apply in this area based on direction from the 2021 Comprehensive Plan. The Future Land Use Plan for the area near Gracelawn to be changed to the Commercial Development District, which is synonymous with the General Business District in its allowed uses and densities. An important goal for the city is listed in Strategy I.2.3.c in the Comprehensive Plan: to "Investigate opportunities for high quality, creative use of vacant land and/or buildings in and around commercial/ industrial centers." This includes rezoning Gracelawn Pits as a planned development site to be used

for a mix of office, retail, and residential space, while assuring that the water quality of Lake Auburn is protected (page 73, Comprehensive Plan) because of its proximity to the abutting GB zone across Mount Auburn Ave.

COMMERCIAL DEVELOPMENT DISTRICT (CDD)(Excerpt from Comprehensive Plan)

Objective – Allow for the development of a wide range of uses including those that involve the sales of motor vehicles and/or that generate significant truck traffic. The district will allow for both existing and new residential use at a density of up to 16 units per acre.

Allowed Uses – The Commercial Development District generally follows the boundaries of the General Business and General Business II (Minot Avenue) Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed in the General Business Development District:

- *Low and High Residential Density Uses*
- *Retail uses including large-scale uses (>100,000 square feet)*
- *Personal and business services*
- *Business and professional offices*
- *Medical facilities and clinics*
- *Restaurants*
- *Hotel, motels, inns, and bed & breakfast establishments*
- *Low and High-Density Residential Uses*
- *Community services and government uses.*
- *Research, light manufacturing, assembly, and wholesale uses*
- *Truck terminals and distribution uses*
- *Contractors and similar activities*
- *Motor vehicle and equipment sales*
- *Motor vehicle service and repair*
- *Recreational and entertainment uses and facilities.*

Development Standards – The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property. The standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require a landscaped buffer along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.

III. Environmental considerations for this zone change include having the ability to converting an existing active gravel pit to what could be a mixed-use development that could range from multi-family homes and multifaceted businesses found in the General Business District. If development occurs the site would revegetate in areas where structures and supporting infrastructure is not planned. The area would have the ability to plan for a sustainable development that would address stormwater and site law that has not been addressed in the last 60 years as grandfathered gravel pit.

IV. Utilizing the federal government's Environmental Protection Agency (EPA) Region 5 modeling for reporting Clean Water Act, 319 Grant projects staff ran a hypothetical model to redevelop the proposed 60 acres compared to what is existing today. Assumptions include the following: 40 acres of commercial development, 12 acres of vacant undeveloped land, 8 acres of open space revegetated. Compared to the 46 acres of open gravel pit, 4 acres of gravel roads, 10 acres of vacant land. Below is the overall annual pollutant load and runoff volumes for before after implementing permanent Best Management Practices such as Low Impact Development techniques to stabilize the site and treat stormwater runoff for a significant net reduction in nitrogen, phosphorus, bio-oxygen demand, sediment, and volumes of water.

Overall annual pollutant load and runoff volume before and after BMPs				
Pollutant	Pre-BMP	Reduction	After BMP	Percent Reduction
TN (lb/yr)	727.33	363.66	363.66	50%
TP (lb/yr)	72.73	36.37	36.37	50%
BOD (lb/yr)	3,230.77	2,220.85	1,009.92	69%
Sediment (lb/yr)	27,974.09	23,752.65	4,221.44	85%
Flow Volume (ac-ft/yr)	138.50	119.79	18.72	86%

Planning Board Action/Staff Suggestion: Staff suggest a planning board discuss the proposals and hold a Public Hearing on November 11, 2023. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed change, to include that the General Business Boundary be adjusted to include the 60 acres shown on the map based on the following findings.

SUGGESTED FINDINGS AND REASONS:

1. The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone.
2. The new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill.
3. The proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

(a) *Permitted uses.* The following uses are permitted:

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Wholesale bakeries.

(12) Retail laundries and dry cleaners, but not plants.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Warehouses, wholesale offices, salesrooms and showrooms.

(18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.

(19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(20) Animal hospitals and pet shops, but no kennels.

(21) Business equipment repair and business services.

(22) Radio and television studios.

(23) Printing shops, but not publishing plants.

(24) Retail, service, office and commercial uses similar to the foregoing.

(25) Carwashes.

(26) Accessory uses, building and structures.

(27) Shelters for abused persons.

(28) Greenhouses and lawn maintenance services.

(29) Temporary outdoor places of amusement.

(30) Churches and temples.

(31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(32) Marijuana cultivation accessory to a licensed retail store on the same property.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(1) Automobile filling stations.

(2) Automobile repair and service stations.

(3) Automobile and marine sales lots and sales and service agencies.

(4) Automobile and marine paint and body repair shops.

(5) Hospitals, care homes, boardinghouses and lodginghouses.

(6) Research or philanthropic institutions.

(7) Outdoor theaters.

(8) Drive-in or carry-out restaurants.

(9) Commercial parks.

(10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.

(11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.

(12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

(13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(14) Convenience stores.

(15) Research, experimental and testing laboratories.

(16) Landscape services.

(17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.

(18) Automotive towing and storage.

(19) Major retail development provided that it meets the conditions noted in section 60-45(g).

(20) Outpatient addiction treatment clinics.

(21) Adaptive reuse of structures of community significance.

(22) Public safety services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(23) Government services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

Sec. 60-500. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering

requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)

Secs. 60-501—60-523. Reserved.

Ordinance: 26-11202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from AGRP to GB

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: John Blais

Subject: Map amendment revising the Lake Auburn Watershed Overlay District.

Information: Amending the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

The 2021 report by FB Environmental Associates, Horsely Witten Group, and the University of Maine, "A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME" offered several recommended revisions to Auburn's Code of Ordinances and Regulations in the Lake Auburn Watershed Overlay District. One such recommendation was to update the Lake Auburn Watershed Overlay District Ordinance to reflect the revised watershed boundary, reducing the existing watershed boundary by 148 acres in the Gracelawn road area based on their understanding of the topography in the area.

Following a citizen-initiated petition against changing the zoning around the Lake Auburn Watershed Overlay District in the Gracelawn area, the Lake Auburn Watershed Overlay boundary, the City Council voted to repeal the ordinance that initially changed the Lake Auburn Watershed Overlay District and zoning to what they were prior to March 21, 2022.

Since the vote to repeal Ordinance 08-02072022, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the "DWP Potential Boundary" shown in the attached memo is a conservative boundary that can be established with available data. More information would be necessary if there were to be any future amendment to the Lake Auburn Watershed Overlay district.

The purpose of this first public meeting is to amend the City's Lake Auburn Watershed Overlay map on our GIS system to match the agreed upon Lake Auburn watershed boundary shown as "DWP Potential Boundary" in Figure 1 - 0 Site Plan Depicting Areas of Uncertainty, and "Proposed Change" map sourced from CDM Smith in the "Lake Auburn Watershed Overlay District for Public Hearing

November 14, 2023." This meeting will be followed by a first reading in city council on November 20, and a second reading and public hearing in city council on December 4, 2023.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Council discuss the proposals and hold the public meeting and first reading and forward a positive vote for a second reading and public hearing.

Previous Meetings and History:

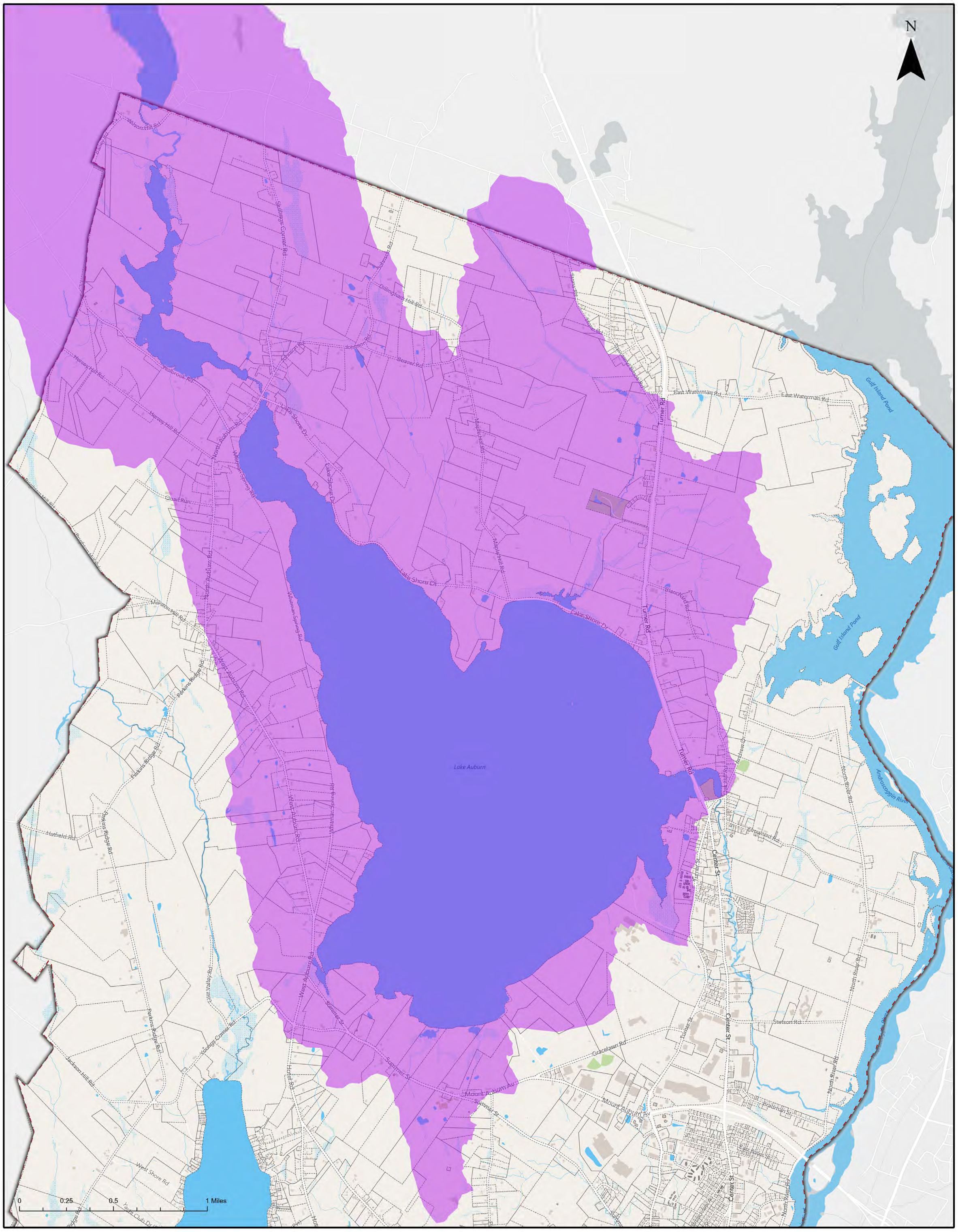
- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens' petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023— "**DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.
  Nov. 2, 2023—City staff send DWP Lake Auburn Watershed Overlay District updates.
- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
- **Nov. 20, 2023**—Anticipated City Council first reading on amending the Lake Auburn Watershed Overlay District.
- **Dec. 4, 2023**—Anticipated City Council second reading and public hearing on amending the
- Lake Auburn Watershed Overlay District.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: planning board motion, staff report (new watershed boundary), DWP memo, LWD memo, Lewiston memo, City of Auburn Memo, watershed boundary map existing and proposed.

Proposed Lake Auburn Watershed Overlay District Zoning Map
Amendment for Public Hearing November 14, 2023



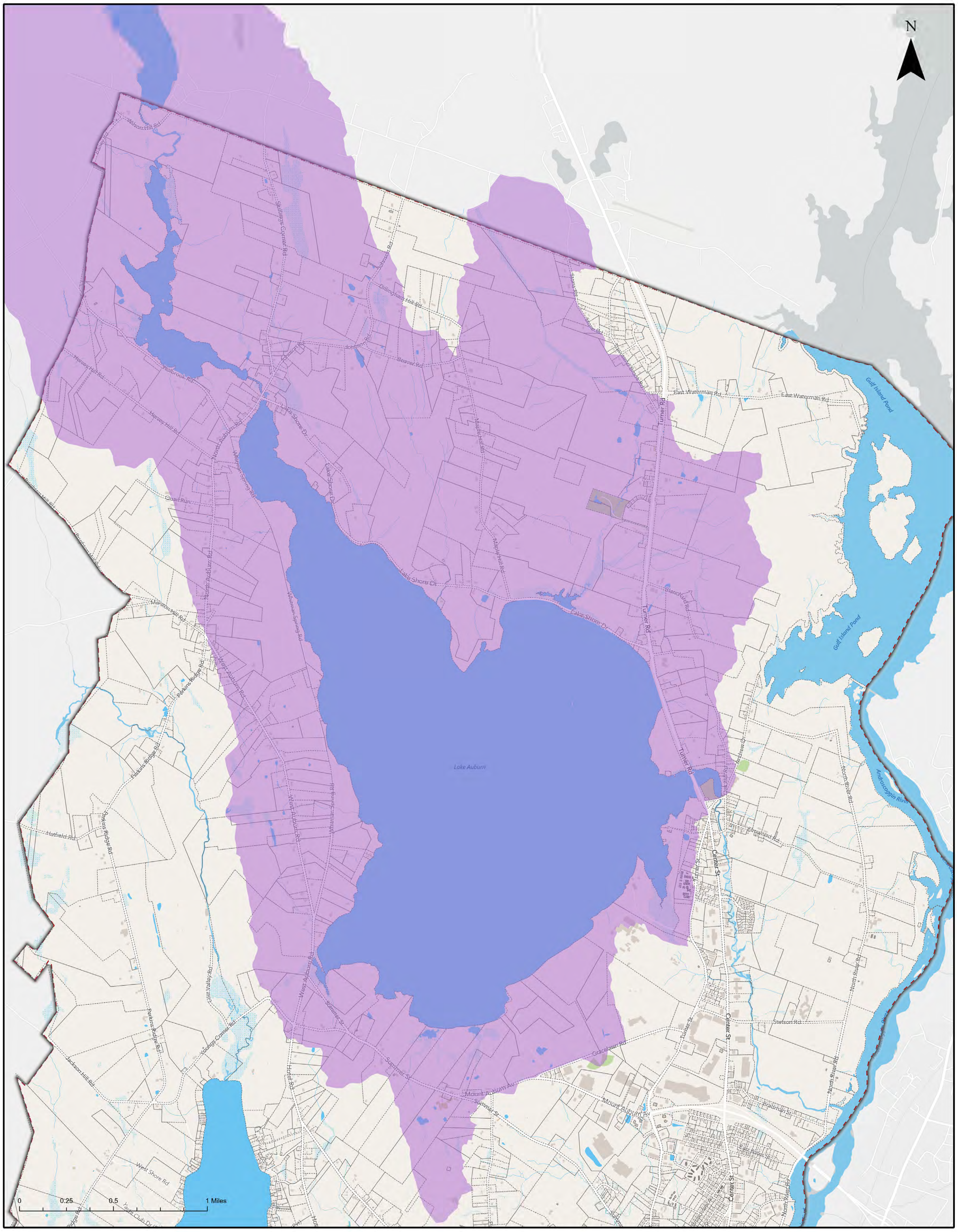
Parcels

Proposed Lake Auburn Watershed Overlay District

*Proposed Lake Auburn Watershed Overlay District Source: CDM Smith

auburnmaine.gov

Existing Lake Auburn Watershed Overlay District Zoning Map
Amendment for Public Hearing November 14, 2023



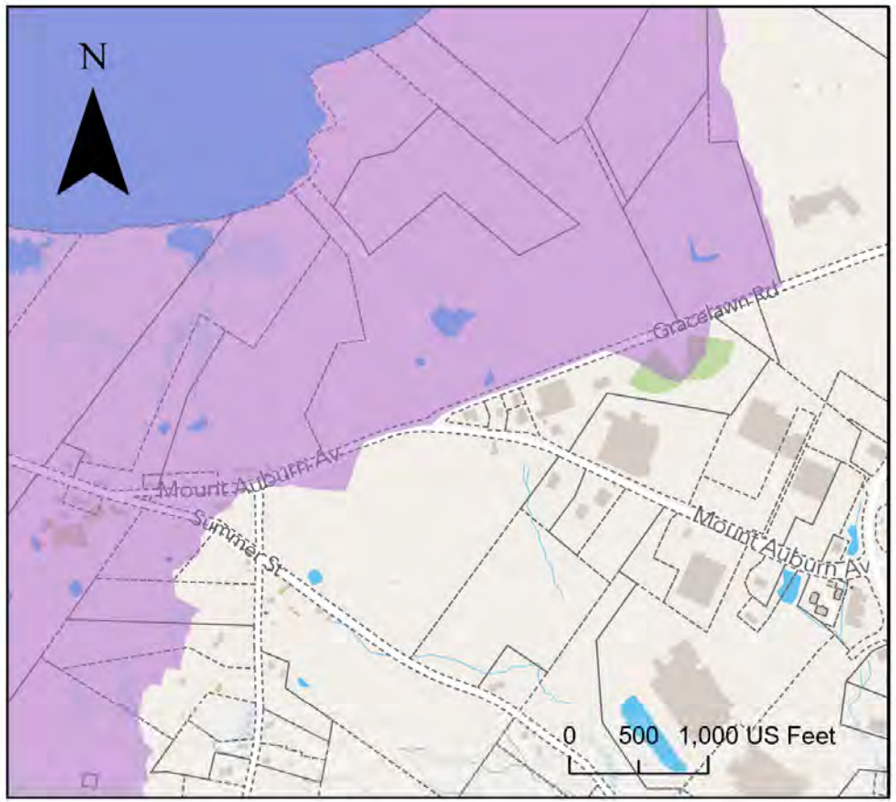
Parcels

Existing Lake Auburn Watershed Overlay District

* City of Auburn, Zoning Map, dated May 16, 2016

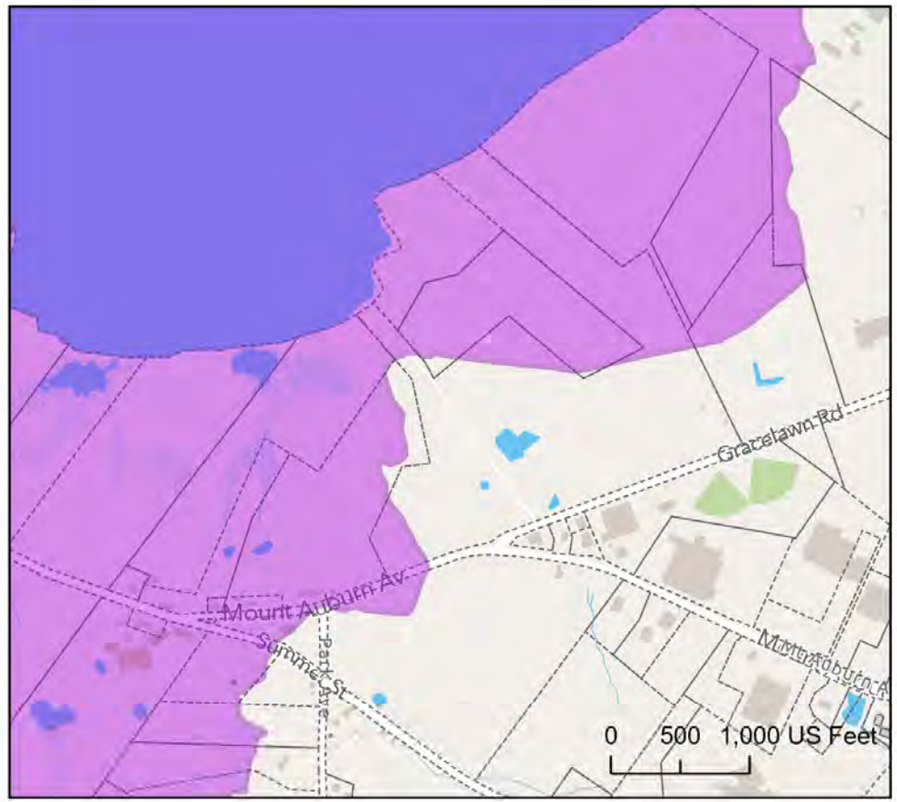
auburnmaine.gov

Lake Auburn Watershed Overlay District Zoning Map Amendment for Public Hearing November 14, 2023



Existing Zoning

Source: City of Auburn, Zoning Map, dated May 16, 2016



Proposed Zoning

Source: CDM Smith

Parcels

Existing Lake Auburn Watershed Overlay District

Proposed Lake Auburn Watershed Overlay District

auburnmaine.gov

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 11/20/2023
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation to City Council on proposed map amendment regarding the bounds of the Lake Auburn Watershed Overlay District

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Map Amendment: Consider amending the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask and Amanda Guerrette second simultaneously.

I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in the staff report dated November 14th 2023 with subject heading being 'Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District.'"
VOTE: 7-0-0 motion passes.

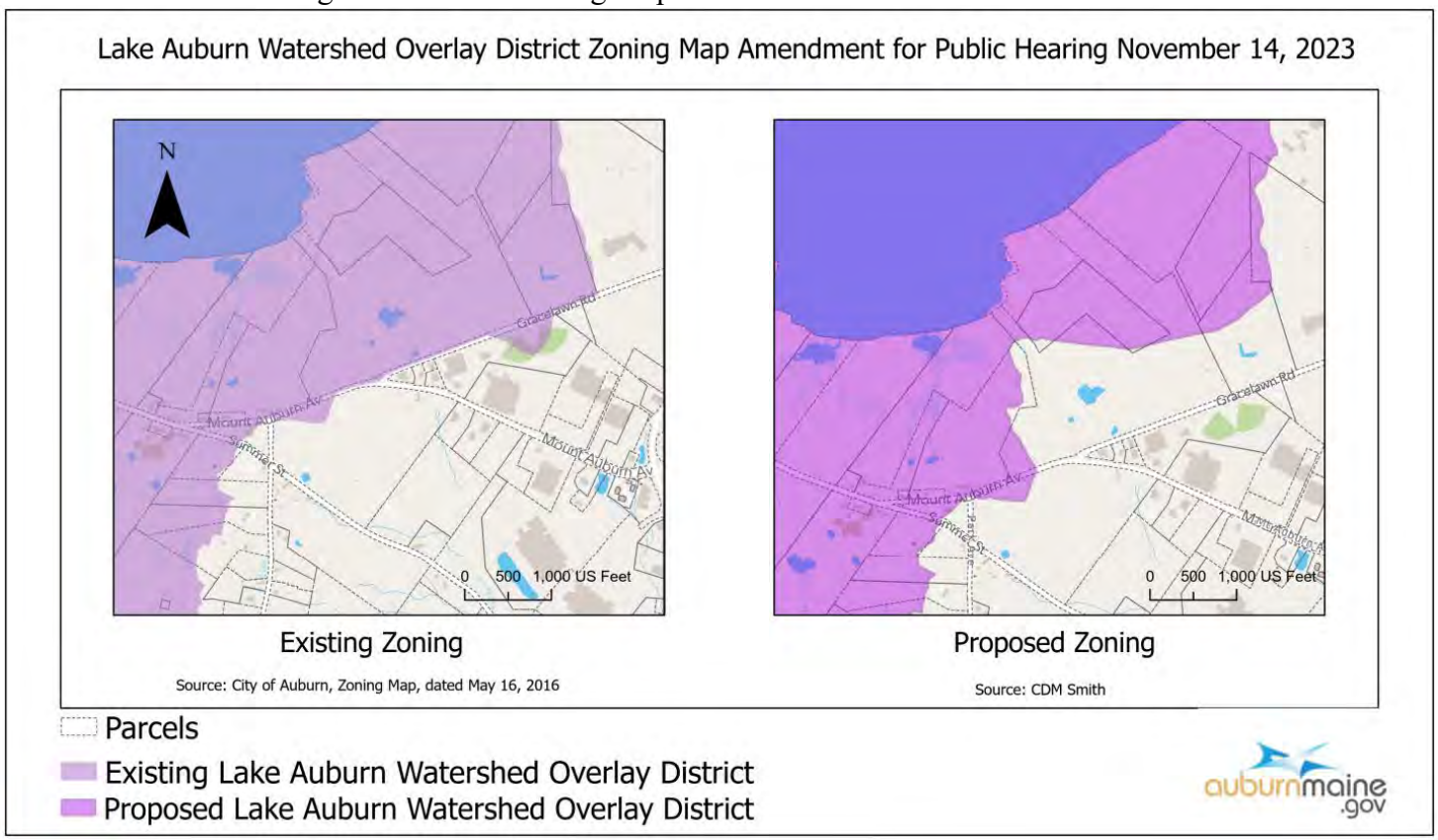
City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: November 14, 2023
To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator

Subject: Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District

I. Proposal: Public Hearing/ Map Amendment:

Consider amending the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.



II. Background:

The 2021 report by FB Environmental Associates, Horsely Witten Group, and the University of Maine, "A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME" offered several recommended revisions to Auburn's Code of Ordinances and Regulations in the Lake Auburn Watershed Overlay District. One such recommendation was to update the Lake Auburn Watershed Overlay

District Ordinance to reflect the revised watershed boundary, reducing the existing watershed boundary by 148 acres in the Gracelawn road area based on their understanding of the topography in the area.

In the following months, the Planning Board and City Council held public hearings on amending the Lake Auburn Watershed Overlay District and changing the zoning in the area formerly but no longer considered to be within the Lake Auburn watershed from the Agriculture and Resource Protection (AGRP or AG) zoning district to the General Business (GB) zoning district as well as on amending this area's designation in the in the Future Land Use Plan to the Community Development District (CDD).

Following a citizen-initiated petition against changing the zoning around the Lake Auburn Watershed Overlay District in the Gracelawn area, the Lake Auburn Watershed Overlay boundary, the City Council voted to repeal the ordinance that initially changed the Lake Auburn Watershed Overlay District and zoning to what they were prior to March 21, 2022.

Since the vote to repeal Ordinance 08-02072022, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the "DWP Potential Boundary" shown in the attached memo is a conservative boundary that can be established with available data. More information would be necessary if there were to be any future amendment to the Lake Auburn Watershed Overlay district.

The purpose of this public hearing is to amend the City's Lake Auburn Watershed Overlay map on our GIS system to match the agreed upon Lake Auburn watershed boundary shown as "DWP Potential Boundary" in Figure 1 - 0 Site Plan Depicting Areas of Uncertainty, and "Proposed Change" map sourced from CDM Smith in the "Lake Auburn Watershed Overlay District for Public Hearing November 14, 2023." This meeting will be followed by a first reading in city council on November 20, and a second reading and public hearing in city council on December 4. Relevant meetings and actions up to this point and planned in the future have been listed below.

Previous Meetings and Actions:

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens' petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023— "**DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.

Nov. 2, 2023—City staff send DWP Lake Auburn Watershed Overlay District updates.

- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
- **Nov. 20, 2023**—Anticipated City Council first reading on amending the Lake Auburn Watershed Overlay District.
- **Dec. 4, 2023**—Anticipated City Council second reading and public hearing on amending the Lake Auburn Watershed Overlay District.

III. Planning Board Action:

Staff recommends that the planning board forward a favorable recommendation to amend the Lake Auburn Watershed Overlay District as described in the suggested motion below.

IV. Recommended Motion:

"I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in this meeting's materials."

LEWISTON ME

Public Works

September 18, 2023

Mr. Michael Broadbent, Superintendent
Auburn Water District
PO Box 414
Auburn, Maine 04212-0414

Mike
Superintendent Broadbent:

I am pleased, as I am sure you were, to have received the Maine Drinking Water Program's September 5, 2023 letter. As you know, the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty".

Of course, the Auburn Watershed boundary through the Gracelawn Parcel is an issue in the pending lawsuit, *City of Lewiston v. Auburn Water District, et al.* In an effort to remove that issue from suit, Lewiston consents to an amendment of the AWD bylaws to redefine the Level 1 zone of protection to exclude the portion of the Gracelawn parcel that lies between the DWP Potential Boundary line and the nearest roadway (and only to this extent).[1] Additionally, Lewiston proposes that AWD, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway. Upon the successful completion of these actions, Lewiston will notify the court that it is dropping this issue from the lawsuit.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. AWD has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the parties can amicably settle the remaining issues in the present lawsuit.

Please contact me with any questions.

Sincerely,

Kevin

Kevin A. Gagne, P.E.
Deputy Director of Utilities

ENCLOSURES: Maine Drinking Water Program's September 5, 2023 letter

---

[1] As the City of Lewiston recently communicated to AWD through counsel, it is Lewiston's position that AWD's current bylaws limit the Board of Trustee's authority to revise and amend the watershed. The Board may more specifically identify and map "these restriction zones" only to the extent the map is consistent with the bylaws' existing definitions of the restriction zones. The Level 1 Intake Restricted Zone is defined to consist "of the shoreline of Lake Auburn upland to the closest roadway." The DWP Potential Boundary is between the shoreline of Lake Auburn and the closest roadway, so adopting it as the Watershed boundary will require a change to the bylaws.

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation, Gracelawn Parcel area, Auburn, ME

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"* (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

The DWP agrees with the CDM Smith finding that the "DWP Potential Boundary" on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report's recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the "Main Pit Area" into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).

- Investigate further and provide an explanation of the apparent "upward head gradients, i.e., groundwater flow into the lake" in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith *Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission* memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:

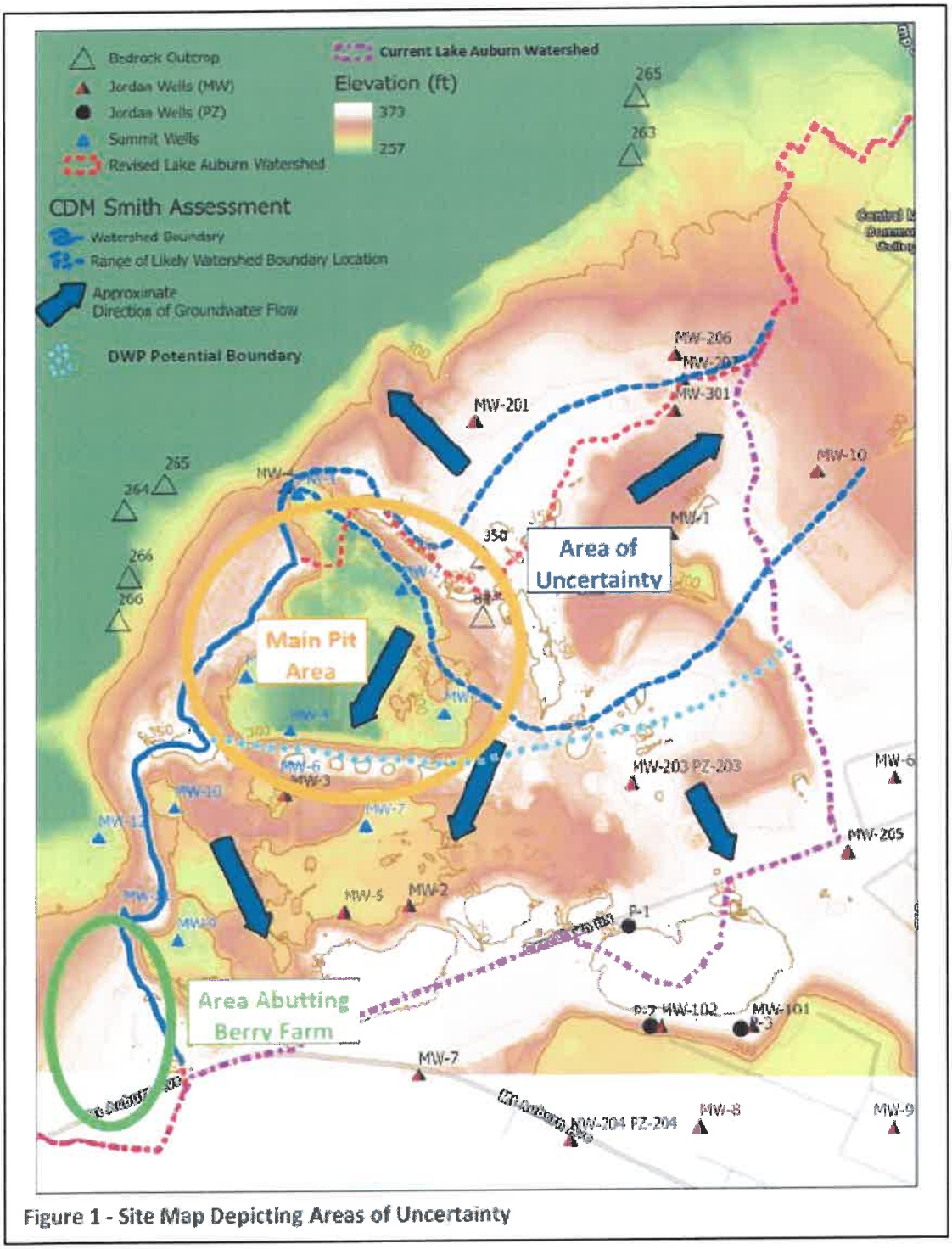


Figure 1 - Site Map Depicting Areas of Uncertainty

Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

Sincerely,

Susan F. Breau

Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

ec Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file

LEWISTON ME

Administration

Phil Crowell, City Manager
City of Auburn
60 Court Street
Auburn, Maine 04210

September 18, 2023

Manager Crowell,

Last week, the Auburn Water District and the Lewiston Water Division received a letter from the Maine Drinking Water Program. I am pleased, as I am sure you were, that the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"*.

In 2022, the City of Auburn City Council amended the Lake Auburn Watershed Overlay District, as it affected the Gracelawn Parcel. Lewiston consents to an amendment of the Lake Auburn Watershed Overlay District, provided that the Auburn Water District first amend its bylaws to exclude the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway and that, second, the Auburn Water District, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. The Auburn Water District has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the remaining issues in the present lawsuit, *City of Lewiston v. Auburn Water District, et al.*, can be settled.

Please contact me with any questions.

Sincerely,

Heather Hunter

Heather Hunter

27 Pine Street, Lewiston, ME 04240 **PHONE:** (207) 513-3121 *hhunter@lewistonmaine.gov* **LewistonMaine.gov**

Ordinance: 27-11202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment of Lake Auburn Watershed Overlay District Boundary

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the Lake Auburn Watershed Overlay District within the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 20, 2023

Author: John Blais

Subject: First Reading on proposed (11) votes/text amendments applied to the Lake Auburn watershed.

Information: Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Since December of 2021, several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District have been proposed. These amendments include 1.) changes to the private subsurface wastewater disposal system design and site standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer widths from Lake Auburn and its tributaries and streams; and 3.) prohibiting new non-hobby agricultural farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn as Auburn and Lewiston's drinking water supply by updating subsurface wastewater disposal standards and environmental regulations to meet current best practices and modern science. A culmination of all amendments was proposed at the November 14, 2023 Planning Board meeting and had favorable recommendation from the Planning Board and recommended these go forward with the contingency that Rural Residential (1 acre minimum) zoning within the watershed be changed to Low-Density Country Residential (3 acres-minimum) and are now ready for review and vote by the city council.

These amendments have been collectively reviewed by outside subject matter experts to include former State of Maine Soil Scientist and State of Maine licensed Soil Scientist and Site Evaluator, David Rocque. University of Rhode Island, Director of the Onsite Wastewater Resource Center, Alissa Cox PhD. In addition, the Lake Auburn Water Quality Ad-Hoc Committee has reviewed and recommends the adoption of the zoning ordinance text amendments.

City Budgetary Impacts: None

Staff Recommended Action Staff recommends that the Council discuss the proposals and issue the first vote on adoption of text **ordinance changes described in version B**.

Previous Meetings and History:
December 21, 2021: city council directive to amend watershed boundary
January 2, 2022: council directs planning board to consider certain septic requirement text change
January 3, 2022: city council workshop to change boundary of watershed and change from AG to CDD
January 11, 2022: planning board workshop on amending watershed boundary
February 8, 2022: planning board public hearing on changing Gracelawn area from AGRP to GB and moving the CDD boundary to match the newly interpreted watershed boundary (favorable recommendation)
March 7, 2022: city council first reading on amending 148 Gracelawn area from AGRP to GB
March 21, 2022: city council second reading on amending a slightly reduced area in the Gracelawn area from AGRP to GB (passes)
April 12, 2022: planning board workshop and public hearing on updating subsurface wastewater (SSWW) standards (favorable recommendation contingent upon RR to LDCR zone change)
April 19, 2022: city council workshop on Lake Auburn watershed updates
May 2, 2022: city council first reading on updating SSWW standards and increasing agricultural buffer strip (favorable vote). also asks board to consider reducing housing density in the watershed
May 3, 2022: special planning board workshop to consider changing RR to LDCR in the watershed
August 9, 2022: planning board workshop on FB Environmental Report
August 9, 2022: City Clerk verifies signatures on petition to repeal watershed boundary
August 15, 2022: city council workshop on RR to LDCR
September 6, 2022: City council repeals Ordinance 08-03072022 (watershed boundary)
October 11, 2022: planning board review text amendment to increase ag. buffer strips and update SSWW requirements (favorable recommendation)
January 17, 2023: city council directs staff to initiate prohibition on new residences and animal farms in Lake Auburn watershed also in AGRP zone
January 17, 2023: city council directs planning board to consider that no future SSWW systems be allowed within 300 feet of Lake Auburn
September 18, 2023: DWP Potential Boundary wrote favorable letter for new line by Maine Drinking Water
September 26, 2023: Oct 10, 2023, PB workshop, Oct. 16, 2023 CC workshop, Lake Auburn Water Quality Ad-Hoc Committee issues memo recommending AWSD and LWD forward new boundary to DWP, October 17, 2023, URI makes recommendation on peer review to staff, October 17, 2023. November 14, PB public hearing.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Proposed Ordinance changes Version B, planning board motion, planning board staff report (text amendments) DWP memo, LWD memo, Lewiston memo, City of Auburn Memo, Vote sheet language for CC.

Vote Sheet Language for City Council November 20, 2023

City Council Suggested Motion B (Staff and Legal Counsel Recommended):

a. I make a motion to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown.

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

b. I make a motion to amend Sec. 60-951 (a)-Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown.

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater Ddistrict on file in the office of the Auburncity Wwater Ddistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

c. I make a motion to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown below.

Sec. 60-951. Boundaries and definitions.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

d. I make a motion to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown.

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

e. I make a motion to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

Sec. 60-952. Use and environmental regulations.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs. ~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

f. I make a motion to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

g. I make a motion to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

Sec. 60-952. Use and environmental regulations.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~

h. I make a motion to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown.

Sec. 60-952. Use and environmental regulations.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburnsity Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

i. I make a motion to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting original section 60-952 (f) (5) as shown.

Sec. 60-952. Use and environmental regulations.

(f) *Private subsurface wastewatersewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-2 of the state plumbing code, part II (April 25, 1975), nN~~o new disposal field/subsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(7~~3~~) The Auburn ~~city~~ Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require the abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(8~~4~~) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to amend Sec. 60-1065 to clarify the text as shown.

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5, 7)

k. I make a motion to amend Sec. 60-1237 to clarify the text as shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ Wwater Ddistrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Wwater Ddistrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation to City Council on proposed ordinance text changes within the Lake Auburn Watershed Overlay District
Date: 11/20/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

Public Hearing/ Text Amendment: Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to non-hobby agricultural uses, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown in section 6a of the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)- Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown in section 6 b of the staff report dated November 14th, 2023". **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown in Section C of the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown in section 6d of the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown in section 6e on page 9 of 12 in the staff report dated November 14, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown in section 6f beginning on page 9 of 12 and ending on page 10 of 12 in the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown in section 6g on page 10 of 12 in the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown in section 6h on page 10 of 12 in the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)- private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set of design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of the overseeing agencies; and deleting original section 60-952 (f) (5) as shown in section 6i beginning on page 10 of 12 and ending on page 11 of 12 of the staff report dated November 14th 2023."

MOTION: Evan Cyr offers an amendment to the motion; **SECOND:** David Trask seconds.

"I would like to make a motion to amend the motion to state that the favorable recommendation be contingent upon council's adoption of a density standard within the residential portion of the watershed not to exceed 1 unit per 3 acres." **VOTE:** 7-0-0 amendment to the motion passes.

VOTE: 6-1-0 the motion as amended passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown in section 6j beginning on page 11 of 12 and ending on page 12 of 12 of the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text ass shown: in section 6k on page 12 of 12 of the staff report dated November 15, 2023." **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: November 14, 2023

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on proposed ordinance text changes within the Lake Auburn Watershed Overlay District

I. **Public Hearing/ Text Amendment:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. **Background:** Since January 2022, several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District have been proposed. These amendments include 1.) changes to the private subsurface wastewater disposal system design and site standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer widths from Lake Auburn and its tributaries and streams; and 3.) prohibiting new non-hobby animal farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn as Auburn and Lewiston's drinking water supply by updating subsurface wastewater disposal standards and environmental regulations to meet current best practices and modern science. All amendments were proposed at various stages but are now ready for review and recommendation by the planning board with ultimate approval by the city council.

These amendments have been collectively reviewed by outside subject matter experts to include former State of Maine Soil Scientist and State of Maine licensed Soil Scientist and Site Evaluator, David Rocque. University of Rhode Island, Director of the Onsite Wastewater Resource Center, Alissa Cox PhD. In addition, the Lake Auburn Water Quality Ad-Hoc Committee has reviewed and recommends the adoption of the zoning amendments.

For reference, below is the relevant meetings to this point have been listed below:

Previous Meetings and Actions:

- **Jan. 3, 2022**—Council directs planning board to maintain requirement of 36 inches above limiting factor for septic systems while allowing updating septic design to meet state standards.
- **Apr. 12, 2022**—Planning Board Workshop and Public Hearing on updating Sec. 60-952(f) (1-5) and (c) subsurface wastewater systems in the Lake Auburn watershed. Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn watershed.
- **April 19, 2022**—City council workshop on Lake Auburn watershed ordinance updates.

- **May 2, 2022**—City council first reading: updating Ch. 60, Article XII, Division 4, Sec. 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems in the Lake Auburn Watershed. Favorable vote.
- **Aug. 9, 2022—**Planning board workshop on FB Environmental Report on updating Sec. 60-952 (f) (1-5) for subsurface wastewater systems.
- **Oct. 11, 2022**—Planning board review of text amendment to Ch. 60, Article XVII, Div. 4, Sec. 60-952(c) agricultural buffer strip and (f) (1-5) private sewage disposal systems.
- **Jan. 17, 2023**—City council directs staff to prepare ordinance text and map Amendment to prohibit any future residential structures and limit or prohibit animal farms in the Lake Auburn Watershed in the AGRP zone.
- **Jan. 17, 2023—**City council directs Planning Board to provide a recommendation for a zoning amendment that will prohibit any future subsurface wastewater disposal within 300' of Lake Auburn.
- **Sept. 26, 2023—**Lake Auburn Watershed Ad-Hoc Committee issues memo to recommend that zoning text amendments pertaining to animal farms, agriculture buffer strips, and septic system standards and map amendments to the Lake Auburn Watershed Overlay District and changing the Rural Residence District to the Low-Density Country Residence District within the Lake Auburn Watershed Overlay District. This memo was included in the materials for the October Planning Board and City Council meetings.
- **Oct. 10, 2023**—Planning Board workshop on text amendments concerning septic system design standards, banning commercial agriculture in the Lake Auburn Watershed, increasing width agricultural buffer strips abutting Lake Auburn and its tributaries.
- **Oct. 16, 2023—**City Council workshop on text amendments concerning septic system design standards, banning commercial agriculture in the Lake Auburn Watershed, increasing width agricultural buffer strips abutting Lake Auburn and its tributaries.

Staff has provided the Planning Board with two versions of Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District. The first is titled "**VERSION A (per 10/10/23 Pl Bd Workshop)**" the yellow highlighted text in Version A was recommended by the Ad Hoc Committee. The second is titled "**VERSION B (with Additional Staff/Legal Suggested Changes highlighted in yellow).**" Below is a summary of the changes in the attached proposed text amendment, and name where each proposed change originated. There are asterisks (*) on changes that have been suggested since the October Workshop by legal counsel, and two asterisks (**) on changes which have been suggested by the planning board.

To capture the Planning Board's preference and to receive appropriate feedback specific to each proposed text change, below we include two motions, Motion A and Motion B, each with several separate recommended motions which will together constitute the entire text amendment which is the subject of this agenda item. This will allow the Board and the public to discuss and form a recommendation on each component of the proposed changes individually. It should be noted that some of the changes rely on other changes to achieve the desired outcome of less development at a higher standard for the protection of Lake Auburn (Example: SSWW Disposal standards and change in density to reduce buildable lot potential).

Summary of Ordinance Text Changes:

1. Minor edits to clarify meaning made to Sec. 60-950. *(Edits suggested by legal counsel for clarity).*
2. Add Sec. 60-951 "(a) Boundaries", make minor edits to clarify meaning. *(Edits made by legal counsel for clarity).*
3. Add Sec. 60-951" (b) Definitions" and under this section, add the definition of "curtain drain," "hobby agricultural use," "Lake Auburn Watershed Protection Commission or LAWPC", (*) "non-hobby agricultural use," "soil horizon," "soil horizon, limiting or limiting soil horizon," "soil

profile," "soil filter media", (*) and soil filter media specifications". (*) *(Edits matching language it the State Plumbing Code made for specificity by legal counsel).*

4. Amend Sec. 60-952(a) to state that as of January 1, 2024, non-hobby farms are not permitted, and hobby farms require review from the LAWPC Watershed Manager and notification to the code enforcement officer. *(Introduced by the city council).*
5. Amend Sec. 60-952(b) to prohibit new dwelling units in the Lake Auburn Watershed Overlay District siting state law which may occasionally be amended. *(Language edit for clarity suggested by legal counsel, it should be noted, however, that the planning board and city council already took favorable action on this item's content.)*
6. Amend Sec. 60-952(c) so that agricultural buffer strips become 100 feet wide instead of 50 feet wide and specify that applicable perennial or tributary streams should be identified on a 7.5-minute series USGS topographic map, dated 1981. *(City council introduced this item and has had first reading).*
7. Amend Sec. 60-953(d) to prohibit any spreading of sludge and specify that manure spreading shall be in conformance with the then-current edition of the Maine Dept. of Agriculture Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal. *(Edit made by legal counsel to reflect existing environmental guidelines and practices.)*
8. Make minor edits to add specificity and clarify meaning in Sec. 60-952(e)(2) and (3). *(Introduced by legal counsel to add clarity.)*
9. Amend Sec. 60-952(f) substituting "sewage" with "subsurface wastewater." Under this section, also amend 60-952(f)(1) private subsurface wastewater disposal system design to specify that there must be at least 36 inches separation between the bottom of the disposal field and the limiting soil horizon and allows for 24 inches of this material be natural or fill; a change from the current ordinance. (*) *(Introduced by the city council with favorable recommendation made by the planning board.)*
10. Amend Sec. 60-952(f)(2) from requiring 300 feet between any new septic field to the high-water line of a stream, tributary, or outlet of Lake Auburn to requiring 400 feet separation. *(Introduced by the city council.)*
11. Add Sec. 60-952(f)(3) stating that all new or replacement systems must meet the above criteria or be designed in consultation with Auburn Water District or its designer (*). *(Introduced by legal counsel to add clarity.)*
12. Add Sec. 60-952(f)(4) that all replacement or new systems shall have either a curtain drain or a diversion ditch and that the design is signed off on by a site evaluator. *(Introduced by the city council.)*
13. Add Sec. 60-952(f)(5) which requires that all new and replacement systems be located on the same lot as the dwelling unit being served, or that in the case of an existing home, the applicant can prove to the plumbing inspector that it is physically impossible to have the septic system on the same lot. *(Introduced by the city council.)*
14. Add Sec. 60-952(f)(6) which requires that systems in the Lake Auburn Watershed Overlay District be inspected by LAWPC or its designee every five years (*). *(Introduced by the planning board).*
15. Make minor edits to clarify wording made to Sec. 60-952(f)(7) (*). *(Introduced by legal counsel to add clarity).*
16. Make grammatical edits to Sec. 60-952(f)(8). (*) *(Introduced by legal counsel.)*
17. Eliminate Sec. 60-952(f)(5) which exempts systems in existence since 1983 from meeting the provisions of this section.
18. Make grammatical edits made to Sec. 60-1237. *(Introduced by legal counsel.)*
19. Add clarifying wording to Sec. 60-1065- Definitions.

III. Department Review:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments

- Airport – No Comments

IV. Planning Board Action: This proposed text amendment involves several parts, so staff has suggested a public hearing and motions to break up this agenda item into multiple sections for comments on each component. The staff has provided a series of recommended motions for the planning board forward to council. These motions will together constitute the favorable recommendation to amend Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District. Staff recommends Version B with final legal advice and clarifications included but has included Version A below for transparency and to give the Board options.

V. Potential Motion A:

a. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown:

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

b. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)-Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown:

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

c. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown below:

Sec. 60-951. Boundaries and definitions.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, Town of Turner, and Town of Minot/Hebron/Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

d. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown:

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

e. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

Sec. 60-952. Use and environmental regulations.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.~~ Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

f. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

g. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

Sec. 60-952. Use and environmental regulations.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

h. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown:

Sec. 60-952. Use and environmental regulations.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Dedistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburncity Wwater Dedistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

i. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting section 60-952 (f) (5) as shown.

Sec. 60-952. Use and environmental regulations.

(f) *Private subsurface wastewatersewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

(1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), nNo new disposal fieldsubsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.

(73) The Auburn ~~city~~ W~~w~~ater D~~d~~istrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(84) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ W~~w~~ater D~~d~~istrict.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown.

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5-7B)

k. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text ass shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

VI. Suggested Motion B (Staff and Legal Counsel Recommended):

a. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown:

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

b. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)-Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown:

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

c. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown below:

Sec. 60-951. Boundaries and definitions.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

d. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown:

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

e. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

Sec. 60-952. Use and environmental regulations.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs. ~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

f. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

g. I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown:

Sec. 60-952. Use and environmental regulations.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

h. I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown:

Sec. 60-952. Use and environmental regulations.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

i. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting section 60-952 (f) (5) as shown:

Sec. 60-952. Use and environmental regulations.

(f) *Private subsurface wastewatersewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

(1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), nNo new disposal fieldsubsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(73) The Auburn city Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.

(84) The local plumbing inspector shall furnish a copy of all site investigation evaluation reports in the Lake Auburn Watershed Overlay District to the Auburncity Wwater Ddistrict or its designee.

(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.

j. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown:

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.5-7B)

k. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text as shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries*. The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions*. For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, Town of Turner, and Town of Minot/Hebron/Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District~~ on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine~~

~~Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.

(7~~3~~) The Auburn ~~city~~ W~~w~~ater D~~d~~istrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(8~~4~~) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ W~~w~~ater D~~d~~istrict.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

● ● ●

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

● ● ●

DIVISION 2. PHOSPHORUS CONTROL

● ● ●

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

● ● ●

ARTICLE XV. BOARD OF APPEALS

● ● ●

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

VERSION B (with Addt'l Staff Suggested Changes highlighted in yellow)

Prepared for November 14, 2023 Planning Board Meeting

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries*. The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions*. For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement

system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(~~7~~3) The Auburn ~~city~~ W~~w~~ater D~~d~~istrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(~~8~~4) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ W~~w~~ater D~~d~~istrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

● ● ●

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

● ● ●

DIVISION 2. PHOSPHORUS CONTROL

● ● ●

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

● ● ●

ARTICLE XV. BOARD OF APPEALS

● ● ●

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also

impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

(207) 784-6469

FAX (207) 784-6460

AUBURN WATER DISTRICT

MEMBER MAINE WATER UTILITIES ASSOCIATION

268 COURT ST. - P.O. BOX 414

AUBURN, MAINE 04212-0414

Susan Breau
Maine CDC Drinking Water Program
11 State House Station
286 Water Street
Augusta, Me 04333-0011

November 1, 2023

Subject: Review of Ordinance Revisions and improved Lake Protections

Susan,

In an effort to strengthen Lake protections, the Auburn Water District has formed the "Lake Auburn Water Quality Ad-Hoc Committee". This Committee is made up of representatives appointed from the Auburn Water District, City of Lewiston Water Division, City of Auburn Planning and Permitting, and representatives of the Lake Auburn Watershed Protection Commission. The Committee was charged with the task of reviewing and advising changes to any watershed related ordinances. These recommendations were based on several science-based recommendations made by FB Environmental, Comprehensive Environmental, Inc and CDM Smith. The recommendations represent text amendments to the Lake Auburn Watershed Overlay District within the City of Auburn. Attached for your reference are the amendments that the collective group believes will strengthen Lake protections, reduce development, and lessen the impacts of sub-surface waste systems on Lake Auburn.

Attached with this letter is the memo signed by all members of the Committee present at the last meeting on September 26, indicating agreement on the following actions:

- Re-delineation of the Watershed Boundary as approved by the DWP.
- Increasing lot size requirements from 1-acre residential areas to 3-acre residential area minimums.
- The Committee further recommends that the Stake Holders represented on the Committee draft and execute an engagement with the Upper watershed towns to explore application of improved watershed protections in those towns.

The Ad-hoc committee unanimously agreed to endorse the currently proposed changes to the Auburn Watershed Overlay District. The draft changes as of September 26 are attached to our enclosed memo of that date. The City of Auburn has recently provided 2 further drafts for public hearing, versions A and Version B are both enclosed with this Letter.

The City of Auburn's current schedule is, 11/14 Planning Board review, 11/20 City Council First Reading and 12/4 City Council Public Hearing and 2nd reading. The ad hoc committee was in agreement that

these drafts should be forwarded to the Maine DWP to allow your review of the proposed changes, in case there was follow up necessary from your office.

Our organizations continue to be engaged in working together toward necessary watershed protections, we welcome your input on these measures. If you have comments or suggestions, we welcome those in this process.

Sincerely;

Michael Broadbent
Superintendent
Auburn Water and Sewer District

Cc Kevin Gagne, Eric Cousens, Camilla Parrish

Lake Auburn Water Quality Ad-Hoc Committee

MEMO

To: Auburn Water District, Lewiston Water Division

From: The desk of the Lake Auburn Water Quality Ad-Hoc Committee

Date: 9.26.23

Subject: Lake Auburn Watershed Overlay District Text and Map Amendments

The Lake Auburn Water Quality Ad-Hoc Committee has reviewed the following documents and recommends the adoption of zoning amendments for the protection of Lake Auburn. The attached text and map amendments have been reviewed, and consensus has been reached to support the changes based on peer-reviewed science. The Ad Hoc Committee recommends that the Auburn Water District and Lewiston Water Division forward the proposed changes to the Maine Drinking Water Program for review. The Committee further recommends that the Stakeholders represented on the Committee plan and execute an engagement with upper watershed towns to explore application of improved watershed protections in those towns, with legal advice on the authority of Auburn Water District to implement watershed protections.

The Summary of Changes Include:

1.) Proposed zoning text amendments, Sec 60-950 through 1065 (Exhibit A)
2.) Proposed Lake Auburn Watershed Boundary, As recommended by the Maine DWP (Exhibit B)
3.) Map Amendment; Changing 1-acre residential areas (Rural Residential) to 3-acres residential areas minimums (Low-Density Country Residential).

Committee Members:

Kevin Gagne

Mike Broadbent

Eric Cousens

Tracy J. Roy

Steve Milks

Rick R. LaChapelle

Alan Holbrook

John Blais

N/A
Matthew Waite

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater District on file in the office of the Auburncity Wwater District, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, and Town of Turner, minot / Hebron / Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or limiting soil horizon means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) ***Agricultural uses.*** ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) ***Residential dwellings in the agriculture and resource protection zoning district.*** **Notwithstanding** the provisions of Secs ~~subsections~~ **60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),** new ~~one-family detached~~ **dwellings** units **are** ~~only permitted~~ prohibited **in the Lake Auburn Watershed** Overlay **District** ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) ***Agricultural buffer strip.*** **Where land adjoining Lake Auburn or its perennial tributaries** ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981)~~ **is tilled for agricultural purposes, an untilled buffer strip** 100~~50~~ **feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.**

(d) ***~~Municipal and m~~Manure and sludge disposal.*** ~~All s~~**Spreading and disposal of** ~~municipal~~ **sludge** ~~is prohibited. shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ **All spreading and disposal of manure shall be accomplished in conformance with** the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface ~~wastewater~~sewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981)~~. Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R.

ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District shall be inspected by LAWPC, or its designee, every 5 years or at the time that a property sold, whichever date is sooner.

(73) **The Auburn ~~city~~ Wwater Deistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.**

(84) **The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Deistrict.**

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

• • •

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

• • •

DIVISION 2. PHOSPHORUS CONTROL

• • •

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

• • •

ARTICLE XV. BOARD OF APPEALS

• • •

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ Wwater Ddistrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Wwater Ddistrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation, Gracelawn Parcel area, Auburn, ME

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"* (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

The DWP agrees with the CDM Smith finding that the "DWP Potential Boundary" on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report's recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the "Main Pit Area" into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).

- Investigate further and provide an explanation of the apparent "upward head gradients, i.e., groundwater flow into the lake" in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith *Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission* memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:

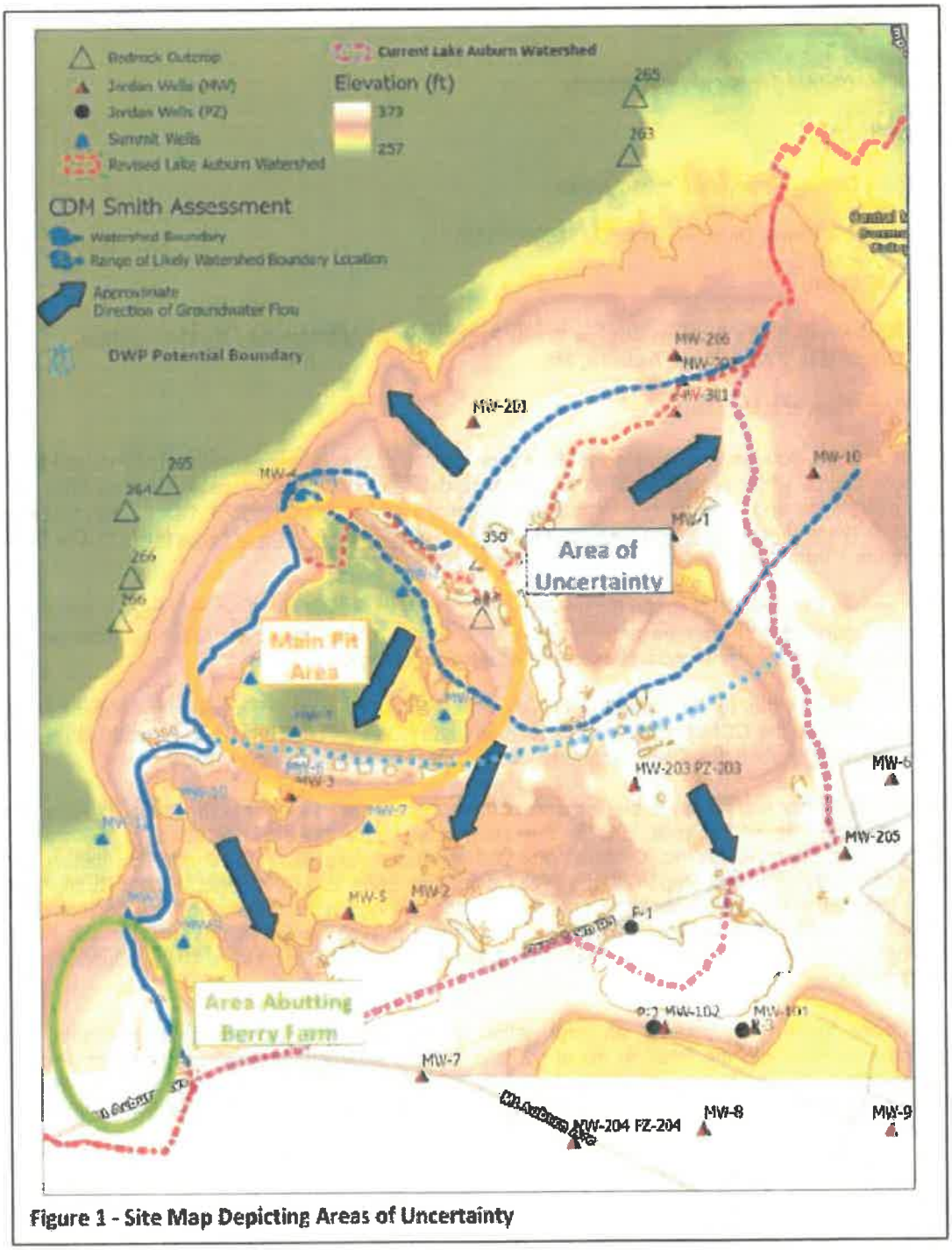


Figure 1 - Site Map Depicting Areas of Uncertainty

Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

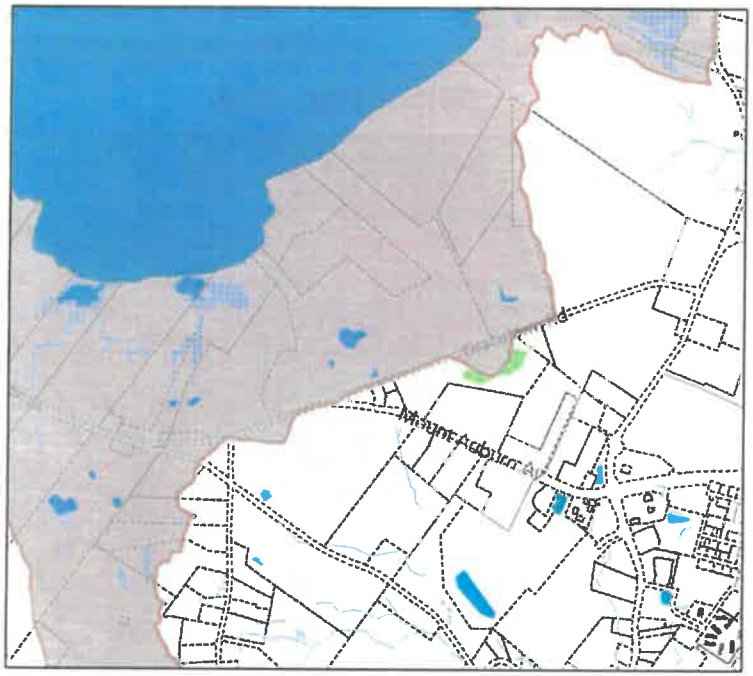
Sincerely,

Susan F. Breau

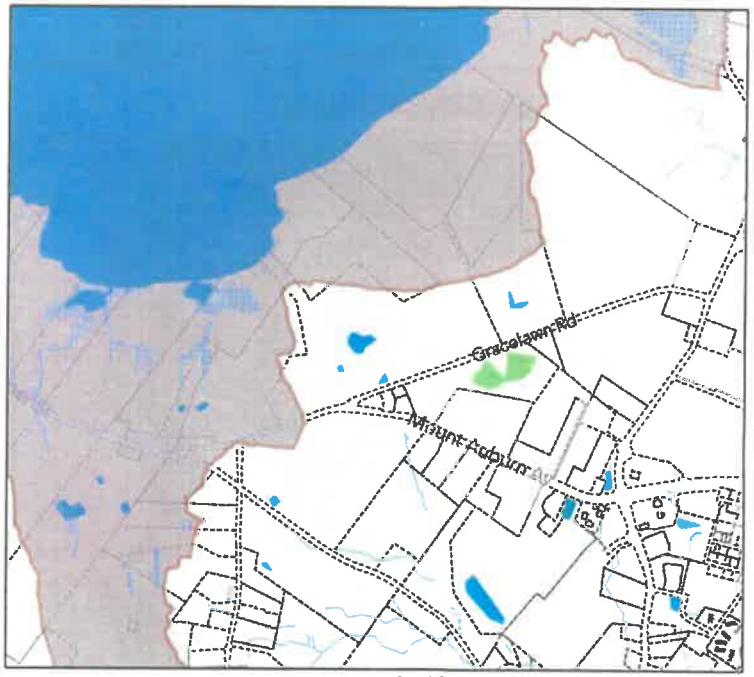
Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

ec Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file

Proposed Auburn Watershed Boundary



Current Boundary



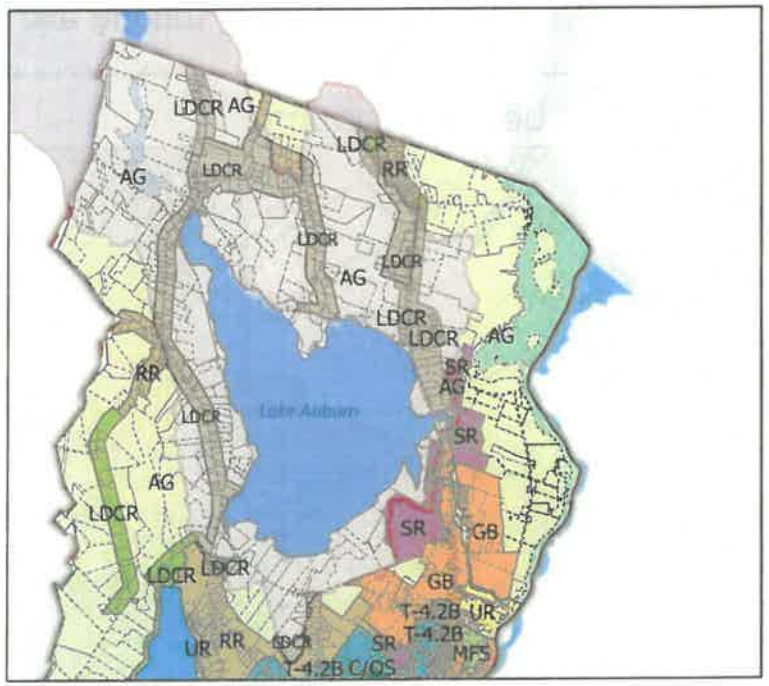
Proposed Change

Lake Auburn Watershed Boundary

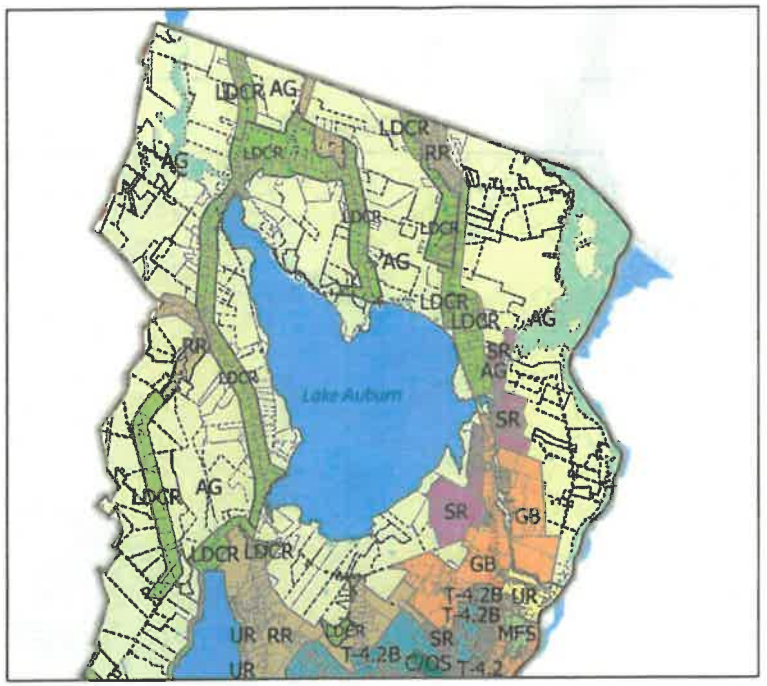
Parcels

auburnmaine.gov

Proposed Zoning



With Watershed

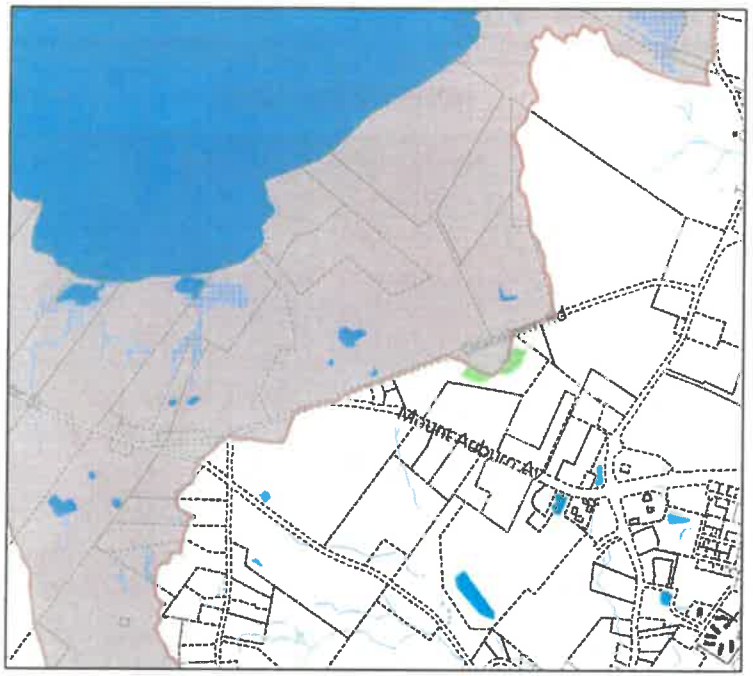


Without Watershed

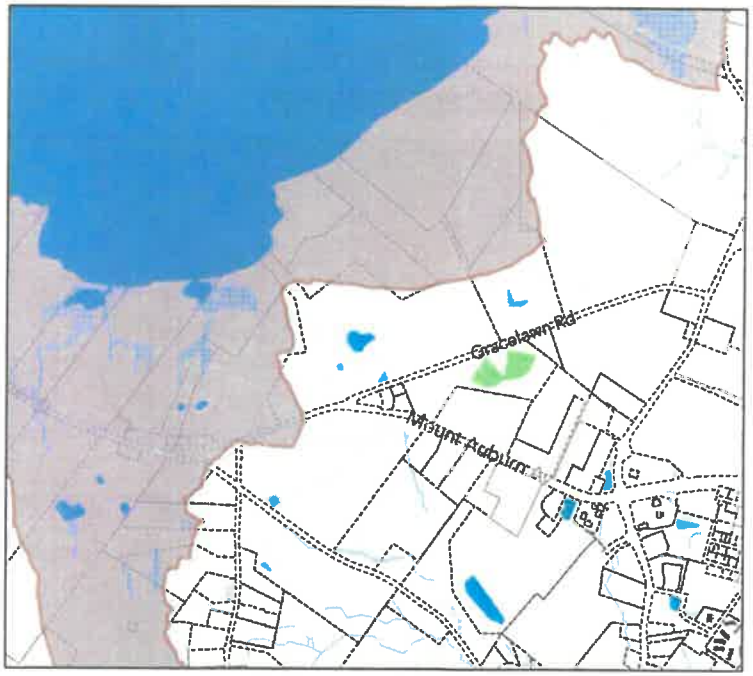
- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels
- Lake Auburn Watershed

auburnmaine.gov

Proposed Auburn Watershed Boundary



Current Boundary



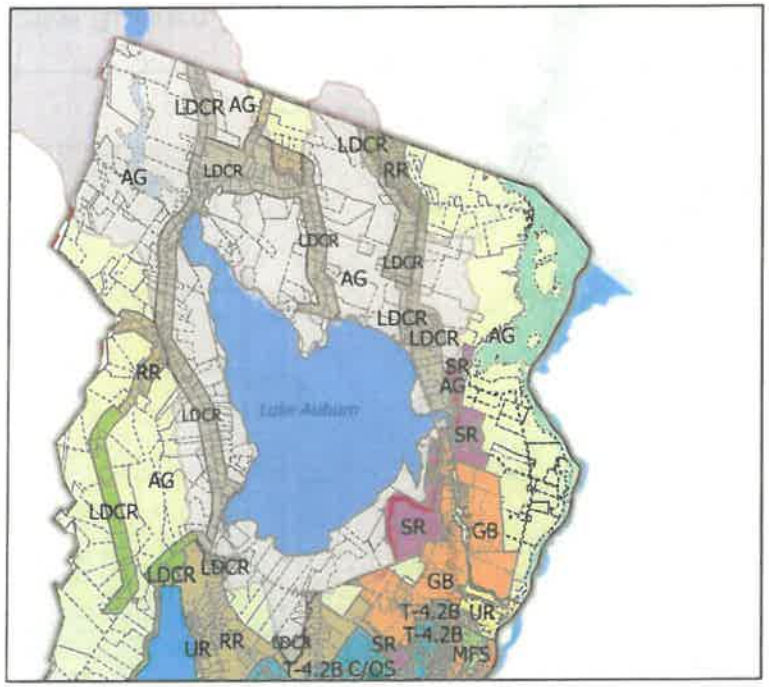
Proposed Change

Lake Auburn Watershed Boundary

Parcels

auburnmaine.gov

Proposed Zoning



With Watershed

Without Watershed

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels
- Lake Auburn Watershed

auburnmaine.gov

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater Ddistrict on file in the office of the Auburncity Wwater Ddistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, Town of Turner, and Town of Minot/Hebron/Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine~~

~~Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.

(73) The Auburn ~~city~~ Wwater Ddistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(84) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

• • •

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

• • •

DIVISION 2. PHOSPHORUS CONTROL

• • •

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

• • •

ARTICLE XV. BOARD OF APPEALS

• • •

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

VERSION B (with Addt'l Staff Suggested Changes highlighted in yellow)

Prepared for November 14, 2023 Planning Board Meeting

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.~~ Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement

system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(~~7~~3) The Auburn ~~city~~ Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(84) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

• • •

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

• • •

DIVISION 2. PHOSPHORUS CONTROL

• • •

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

• • •

ARTICLE XV. BOARD OF APPEALS

• • •

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also

impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Ordinance: 28-11202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from LDRR or RR to LDCR

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map and are detailed below.

a. I make a motion to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown.

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

b. I make a motion to amend Sec. 60-951 (a)-Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown.

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater Ddistrict on file in the office of the Auburncity Wwater Ddistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

c. I make a motion to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection*

City Council Ordinance

Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile to this section as shown below.

Sec. 60-951. Boundaries and definitions.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

City Council Ordinance

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

d. I make a motion to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown.

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

e. I make a motion to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

City Council Ordinance

Sec. 60-952. Use and environmental regulations.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs. ~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

f. I make a motion to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

g. I make a motion to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

Sec. 60-952. Use and environmental regulations.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal ~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

h. I make a motion to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown.

Sec. 60-952. Use and environmental regulations.

City Council Ordinance

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburncity Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

i. I make a motion to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting original section 60-952 (f) (5) as shown.

Sec. 60-952. Use and environmental regulations.

City Council Ordinance

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(~~7~~3) The Auburn ~~city~~ Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(~~8~~4) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to amend Sec. 60-1065 to clarify the text as shown.

City Council Ordinance

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

k. I make a motion to amend Sec. 60-1237 to clarify the text as shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

City Council Meeting
Agenda
December 4, 2023
Auburn Hall, Council Chambers

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Staples

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 152-12042023*
Re-appointing Riley Bergeron to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

2. Order 153-12042023*
Re-appointing Evan Cyr to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

3. Order 154-12042023*
Appointing Stephen Roop to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

4. Order 155-12042023*
Accepting the Audit Report.

5. Order 156-12042023*
Appointing Wardens and Ward Clerks for a two-year term as outlined in our City Charter.

II. Minutes – November 20, 2023, Regular City Council Meeting

III. Communications, Presentations and Recognitions
- Proclamation – Small Business Saturday
- Recognition of Outgoing Elected Officials
- Finance Report – October 2023
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. **Ordinance 21-09182023**
   Amending the Code of Ordinances, Chapter 14, Article XVIII Adult Use and Medical Marijuana Business licensing. Second reading.

2. **Ordinance 24-11202023**
   Amending the zoning map to rezone all areas in the LDRR or RR zoning district within the Lake Auburn watershed to the LDCR zoning district. Public hearing and second reading.

3. **Ordinance 26-11202023**
   Amending the zoning map for parcel ID 289-001, 289-002, and 277-026 from AGRP to GB. Public hearing and second reading.

4. **Ordinance 27-11202023**
   Amending the zoning map to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. Public hearing and second reading.

5. **Ordinance 28-11202023**
   Amending the Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. Public hearing and second reading.

VI. New Business

1. **Public hearing – CDBG PY23 Revised Budget and Action Plan.**

2. **Order 157-12042023**
   Authorizing the School Committee to establish a curriculum development reserve fund for the purpose of funding curriculum development materials, equipment, software, and professional development.

3. **Order 158-12042023**
   Authorizing the naming of “Officer Norman Philbrick Square” (or “Philbrick Square”).

4. **Order 159-12042023**
   Authorizing the naming Mustang Alley.

5. **Order 160-12042023**
   Authorizing the naming of “Joseph ‘Joe’ Walker Memorial Field” or (“Walker Field”).

6. **Order 161-12042023**
   Authorizing the naming of “Tricia Asselin Memorial Field” or (“Asselin Field”).

7. **Order 162-12042023**
   Allocating funds (Comprehensive Plan Implementation Funding) of up to $160,767.50 for the replacement structure for R&K Properties LLC (PID 221-074).

8. **Order 163-12042023**
   Approving Tax Increment Financing (TIF) District #31, Academy Street. Public Hearing.

9. **Order 164-12042023**
   Approving Tax Increment Financing (TIF) District #32, Mount Auburn Housing. Public Hearing.

10. **Order 165-12042023**
    Adopting the employment agreement between the city and the City Manager Phillip L. Crowell, Jr.

11. **Order 166-12042023**
    Approving the allocation of American Rescue Plan Act (ARPA) funds for the PAL Center.

12. **Order 167-12042023**
    Authorizing the allocation$1,823,255.00 from the FY22 undesigned fund balance that's in excess of the recommended 14%.

13. **Resolve 03-12042023**
    Calling upon the Auburn Water District and the Lake Auburn Watershed Protection Commissioners to being discussions with the towns in the upper watershed to adopt critical protections for Lake Auburn.

14. **Order 168-12042023**
    Approving the increase to EMS care and transport fees with the first increase taking effect December 11, 2023, and the second increase taking effect April 1, 2024.

15. **Order 169-12042023**
    Authorizing the City Manager to execute the sale of 186 Main Street, Parcel ID 231-020 (city-owned property) to Great Falls Construction, DBA JCS 18, LLC.

16. **Order 170-12042023**
    Directing a review of zoning ordinance text amendments relating to Lake Auburn Watershed Overlay District evidenced by Ordinance 28-11202023.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report

IX. Executive Sessions

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Orders:** 152-12042023 and 153-12042023

Author: Sue Clements-Dallaire, City Clerk

Subject: Board and Committee Appointments

The Appointment Committee met on November 20, 2023, to review applications and make their nominations for various boards and committees of the City as follows:

Planning Board:
Riley Bergeron, full member, re-appointment, term expiration of 1/1/2027
Evan Cyr, full member, re-appointment, term expiration of 1/1/2027
Stephen Roop, was nominated to serve but withdrew on December 4th.

City Budgetary Impacts: None

Staff Recommended Action: Motion to appoint members as recommended by the Appointment Committee.

Previous Meetings and History: The Appointment Committee met on November 20, 2023 to make their recommendations.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Vacancies, Application Spreadsheet, Applications, Orders

November 20, 2023
Applicant List

Board or Committee	Ward	Last Name	First Name	Address
Planning Board – full member	2	*Bergeron	Riley	142 Conant Avenue
	2	*Cyr	Evan	122 Granite Street
	3	**DeRoche	Timothy	14 Millbrook Lane
	3	Hayes	Benjamin	62 Briarcliff Knoll
	3	Roop	Stephen	14 Briarcliff Knoll

* Indicates this applicant is seeking re-appointment

** Indicates this person is an associate/alternate member seeking full member status

VACANCIES

Auburn Sewer District Board of Trustees - 1 vacancy with a term expiration of 03/01/2025

City Council Student Representative - 2 appointments

Complete Streets Committee - 1 vacancy with a term expiration of 01/01/2027

Parks & Recreation Advisory Board - 2 vacancies, one with a term expiration of 10/01/2025, and one with a term expiration of 10/01/2024

Planning Board - 3 full member vacancies, each with a term expiration of 01/01/202

Registration Appeals Board Chair - 1 vacancy with a 4 year term

Regulatory Advisory Board - 5 vacancies, two with term expirations of 6/1/2025, and three with term expirations of 6/1/2026

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Wednesday, November 8, 2023 2:40 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Benjamin

Middle Initial: A

Last Name: Hayes

Residence Address: 62 Briarcliff Knoll

Ward: Ward ~~2~~ 3

City: Auburn

Home Phone: 207-513-7001

Cell Phone: 207-513-7001

E-mail Address: bhayes@jhhc.com

Current Occupation: medical economics - Johns Hopkins Health Plans

Previous Occupation (if retired or no longer working):

Education and/or experience: MS, MBA, 14 YEAR ECONOMIC/REAL ESTATE DEVELOPMENT EXPERIENCE

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): My interest in serving on the Auburn Planning Board is the desire to promote sensible growth to diversify and expand the local tax base. As an Auburn native, I appreciate the growth our community has experienced but acknowledge the need for a forward-looking strategy maximizing residential and commercial development while at the same time protecting the assets which make our community unique. My professional experience involves over 14 years economic and real estate development with the Lewiston/Auburn Economic Growth Council, Auburn Business Development Corporation, Lewiston Development Corporation and Hannaford Bros. Co. In addition, I am a quadriplegic. Having suffered an injury nearly 16 years ago, I have witnessed various development standards that have promoted as well as inhibited accessibility. It is my desire to bring together my unique professional and personal experiences to shape a sensible strategy to promote growth and accessibility within the City of Auburn.

What do you hope to accomplish?: Diversify and expand the local taxpayers in a sensible and accessible manner.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known): N/A

How did you learn of this vacancy?: City of Auburn webpage

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Benjamin Hayes

Date of Electronic Signature: 11/7/2023

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Wednesday, November 8, 2023 4:17 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Timothy

Middle Initial: J

Last Name: DeRoche

Residence Address: 14 Millbrook Lane

Ward: Ward 3

City: Auburn

Home Phone: 207-312-9490

Cell Phone: 207-312-9490

E-mail Address: teldd@roadrunner.com

Current Occupation: Locomotive Mechanic

Previous Occupation (if retired or no longer working):

Education and/or experience: Associate Degree

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have enjoyed contributing to the growth of our great city and wish to continue. I have learned that there is a lot that goes into effective local government and I wish to continue that aspect of my citizenship.

What do you hope to accomplish?: I hope to garner an even further knowledge and deeper understanding of the intricacies of our city with the potential to seek further appointments or positions within our community leadership.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Planning Board-Associate member

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: N/A

Dates served (if known):

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Timothy J. DeRoche

Date of Electronic Signature: 11/8/23

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Wednesday, November 1, 2023 3:57 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Evan

Middle Initial:

Last Name: Cyr

Residence Address: 122 Granite St

Ward: Ward 2

City: Auburn, ME

Home Phone: 207-991-1159

Cell Phone: 207-991-1159

E-mail Address: egcyr@hotmail.com

Current Occupation: High School Science Teacher

Previous Occupation (if retired or no longer working):

Education and/or experience: BA Anthropology, MA Secondary Science Education, CAS Educational Leadership

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to serve on the Planning Board because I think that civic engagement and involvement is important. I am a father of two, and modeling civic engagement for them is important to me as well as modeling civic engagement for my students. I also believe the Planning Board serves an important and indispensable function in our community. I believe I have experience and understanding that can help further the work that the Planning Board does. For me it is a good fit to be involved where I think my skill set can best be used for the wider community while being civically engaged and promoting civic engagement for my children, students, friends and neighbors.

What do you hope to accomplish?: I hope to work collaboratively to continue protecting Auburn?s natural resources, including Lake Auburn, Auburn?s agricultural and rural resources, open space, and neighborhoods. I also hope to

continue developing zoning solutions that will help alleviate the current housing shortage, promote home ownership, create diverse housing opportunities for all residents, promote smart growth and density infill where appropriate, promote growth for all residents, and improve the quality of live in our c

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Planning Board

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Planning Board, Lake Auburn Watershed Protection Committee, Strategic Plan, and others

Dates served (if known): 2012 - present

How did you learn of this vacancy?: This vacancy is created by the expiration of my current appointment to the Planning Board.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Evan G. Cyr

Date of Electronic Signature: 11/01/2023

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Wednesday, November 8, 2023 8:18 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Stephen

Middle Initial:

Last Name: Roop

Residence Address: 14 Briarcliff Knl

Ward: Ward 3

City: Auburn

Home Phone: 12074009020

Cell Phone: 12074009020

E-mail Address: roop.stephen@gmail.com

Current Occupation: Financial Advisor (Morgan Stanley, Portland)

Previous Occupation (if retired or no longer working):

Education and/or experience: B.S. Economics and Finance

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I moved back home to Auburn just over a year ago with my family and I have been looking to get involved in the community. I enjoy real estate/development and when I heard about the opportunity to serve the community through this board, I wanted to pursue it. I?ve done some work in Portland with their planning board through smaller developments I have undertaken. I understand the importance of having a solid board/team to help navigate what can be a confusing and overwhelming process. I would like to work with local individuals, businesses and developers to continue the progress we have seen recently. Serving on the board would enable me to use my skill set in development/finance for the good of our community. I see the potential Auburn has going forward and would like to work with others to help with this movement.

What do you hope to accomplish?: Continuing to grow while maintaining our tight knit community is important. Working with current residents, expanding demographics, and bringing in new businesses interested in growing our community, is something I would like to work towards. Providing opportunity and a positive landscape for innovation and development is necessary for our city. The planning board has a significant role in this process and I hope to become a part of this this team to help continue to grow Auburn.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: No

Dates served (if known): NA

How did you learn of this vacancy?: Jason Levesque

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Stephen Roop

Date of Electronic Signature: 11/8/23

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Thursday, November 9, 2023 12:53 PM
To: Susan Clements-Dallaire
Subject: [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Riley

Middle Initial:

Last Name: Bergeron

Residence Address: 142 Conant Ave

Ward: Ward 2

City: Auburn

Home Phone: 207-212-8760

Cell Phone: 207-212-8760

E-mail Address: the.riley.bergeron@gmail.com

Current Occupation: Painter

Previous Occupation (if retired or no longer working):

Education and/or experience: BA in Environmental Planning and Policy

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one).: Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): When I originally applied for a position on the Planning Board I was looking to use my college education in a way that would hopefully benefit my community. After four years (one as an alternate member) in the position, I have learned a lot about the public process that I believe will make me an even more effective member. If reappointed I will continue my work on this board with the same level of commitment to the community that I grew up in and call home.

What do you hope to accomplish?: One of the most successful things, in my onion, that was accomplished in my time on the board was the rewriting of the Agricultural Zone. The reason I felt it was so successful was the inclusion of all the stakeholders and public input resulted in a new outcome that was successful in everyone's view. I hope to accomplish similar outcomes in the future.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Yes, Planning Board

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes, Planning Board

Dates served (if known): 2019- present

How did you learn of this vacancy?:

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Riley Bergeron

Date of Electronic Signature: 11/09/2023

ORDER 152-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Riley Bergeron to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 153-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Evan Cyr to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 154-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Stephen Roop to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 155-12042023

Author: Jill M Eastman, Finance Director

Subject: Annual City Audit (FY 22)

Information: Sec. 8.11 of the City Charter state that "*the city council shall provide for an independent annual audit of all city accounts"* and the audit committee shall "*receive the report of the independent auditor and present that report to a joint meeting of the city council and school committee with any recommendations from the committee".*

City Budgetary Impacts: N/A

Staff Recommended Action: Acceptance and approval.

Previous Meetings and History: Presented annually. Was recently discussed at the 11/20/2023 Joint Workshop of the School Committee and City Council.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 155-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby accepts and places on file the Annual City Audit for Fiscal Year ending June 30, 2022.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order :** 156-12042023

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointment of Warden's and Ward Clerks

Information: In accordance to Title 21-A Sec. 501 of State Statute and Sec. 5.2 of the City Charter, the City Clerk shall nominate Wardens and Ward Clerks who shall be confirmed by the City Council. They are appointed for a two-year term and must be residents of Auburn.

Audrey Murphy	Warden
Robert Hayes	Warden
Miles Smith	Warden
Doreen Jordan	Warden
Christine Sirois	Ward Clerk
Carl Young	Ward Clerk
Paul Ouellette	Ward Clerk
Alice Dill	Ward Clerk

City Budgetary Impacts: None

Staff Recommended Action: Recommend passage.

Previous Meetings and History: This is a two-year appointment as outlined in the City Charter or when there is a vacancy.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments: Order

ORDER 156-12042023

City Council Order

IN CITY COUNCIL

Ordered that the City Council hereby confirms the City Clerk's nomination of and hereby appoints the following individuals to serve as Wardens and Ward Clerks for a two-year term, or until a replacement has been confirmed.

Audrey Murphy	Warden
Robert Hayes	Warden
Miles Smith	Warden
Doreen Jordan	Warden
Christine Sirois	Ward Clerk
Carl Young	Ward Clerk
Paul Ouellette	Ward Clerk
Alice Dill	Ward Clerk

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING NOVEMBER 20, 2023, VOL. 37 PAGE 103

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items – None

II. Minutes – November 6, 2023, Regular City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Hawes to approve the minutes of the November 6, 2023, Regular City Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

Mayor Levesque announced that he received notification that the Senate has passed a $3.9 million Congressional discretionary spending bill for the Riverwalk, however, they haven't acted on it yet. He thanked staff, the City Council and Senator Collins and her staff for helping with this. He provided information on the Light the Park event in Anniversary Park to be held on Friday, December 1st from 6-8pm.

Councilor Whiting congratulated the Lewiston Blue Devils soccer championship team.

Councilor Gerry asked what will be done for the homeless and warming centers in the City and the City Manager provided an update.

IV. Open Session – Stephen Beal wanted to comment on agenda item #5, the TIF #29 item not realizing there would be public comment at that time. He stated that he would defer his comments until that item comes up on the agenda.

V. Unfinished Business - None

VI. New Business

1. **Order 146-11202023**
   Approving the Mass Gathering Permit for the New Year Auburn Event to be held on December 31, 2023, in Festival Plaza. Public hearing and vote.

   Motion was made by Councilor Morin and seconded by Councilor Walker for passage.

   Public hearing – No one from the public spoke.

   Passage 7-0.

2. **Order 147-11202023**
   Allocating funds from the American Rescue Plan Act (ARPA) for the Public Safety Wellness Program.

   Motion was made by Councilor Morin and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

3. **Order 148-11202023**
Allocating funds for the Recreation Program Scholarships.

Motion was made by Councilor Gerry and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 7-0.

4. **Order 149-11202023**
Approving the Miller Street discontinuance.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 7-0.

5. **Order 150-11202023**
Approving Tax Increment Financing (TIF) District #29, 186 Main Street.

Motion was made by Councilor and seconded by Councilor Walker for passage.

Public comment – Stephen Beal, Johnson Road, did not speak for, nor against this item but had questions regarding the credit enhancement agreement.

Passage 7-0.

6. **Order 151-11202023**
Approving Tax Increment Financing (TIF) District #30, Diamond Point Storage.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment – John Cleveland, 183 Davis Avenue, had questions regarding the credit enhancement agreement. He also stated that he would like to see the Tax Increment Financing voted on separately from the Credit Enhancement Agreement.

Passage 6-1 (Councilor Whiting opposed).

7. **Ordinance 24-11202023**
Amending the zoning map to rezone all areas in the LDRR or RR zoning district within the Lake Auburn watershed to the LDCR zoning district. First reading.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

8. **Ordinance 26-11202023**
Amending the zoning map for parcel ID 289-001, 289-002, and 277-026 from AGRP to GB. First reading.

Motion was made by Councilor Morin and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 5-2 (Councilors Gerry and Whiting opposed).

9. **Ordinance 27-11202023**
Amending the zoning map to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. First reading.

Motion was made by Councilor Hawes and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

10. **Ordinance 28-11202023**
Amending the Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. First reading.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment – Bruce Rioux, Mary Carroll Street, said amending this ordinance will be adding pollution to the lake.

Passage 5-2 (Councilors Gerry and Whiting opposed).

VII. Open Session – No one from the public spoke.

VIII. Reports -

Mayor Levesque reported on the School Committee's fund balance.

IX. Executive Session - None

X. Adjournment
Motion was made by Councilor Staples and seconded by Councilor Milks to adjourn.

Unanimously approved and the meeting adjourned at 8:08 pm.

A TRUE COPY

ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

SMALL BUSINESS SATURDAY PROCLAMATION

Recognizing the importance of Auburn businesses and proclaiming Saturday, December 9, 2023, as Auburn Small Business Saturday

WHEREAS, small businesses are the backbone of Maine's and Auburn's economy; and

WHEREAS, local small business support our community in the way of wages, taxes, donations to local schools and charities; and

WHEREAS, studies have consistently shown that supporting the growth of existing small businesses produce the majority of economic growth in a community, and that entrepreneurs and small businesses stimulate job creation, develop crucial innovation and promote the diversification of local economies; and

Whereas, the City of Auburn supports our local businesses that create jobs, boost our local economy and preserve our community;

NOW THEREFORE BE IT PROCLAIMED that Saturday, December 9, 2023, in the City of Auburn Small Business Saturday, a day when we all are encouraged to thank our business community for their contributions to the way of life in Auburn. I urge the residents of Auburn to make a special effort to support our small businesses on Auburn Small Business Saturday, and all year long.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine
to be fixed this 20th day of June 2023.

_____

Jason Levesque, Mayor

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **October 2023 Financial Report**

DATE: **December 4, 2023**

The following is a discussion regarding the significant variances found in the City's October financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its fourth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 33.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through October 31st, including the school department were $40,701,163, or 35.96%, of the budget. The municipal revenues including property taxes were $33,313,531, or 45.08% of the budget which is more than the same period last year by $966,952. The accounts listed below are noteworthy.

A. September 15th the first installment for real estate taxes were due. The current year tax revenue is at 49.09% as compared to 49.43% last year or $488,380 more than last year.

B. Excise tax for the month of October is at 35.55%. This is a $38,918 decrease Compared to FY 23.

C. State Revenue Sharing for the month of October is 39.94% or $2,386,399. This is an increase from last October of $85,812.

D. EMS Transport is at 35.4% or $518,673, which is a slight increase from last year of $22,710.

Expenditures

City expenditures through October 2023 were $22,808,036 or 42.16% of the budget. This is a total decrease over last year of $1,428,482 Noteworthy variances are:

A. The largest decrease is the transfers to the TIF accounts due to timing of the transfers.

Investments

This section contains an investment schedule as of October 31st. Currently the City's funds are earning an average interest rate of 4.36% compared to 1.44% at this time last year.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of Occtober 2023, September 2023, and June 2023

	October 31 2023	September 30 2023	Increase (Decrease)	Unaudited JUNE 30 2023
ASSETS				
CASH	$ 36,417,944	$ 51,169,520	$ (14,751,576)	$ 43,592,529
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	3,202,599	564,821	2,637,778	2,703,976
TAXES RECEIVABLE-CURRENT	24,552,202	25,021,659	(469,457)	949,747
DELINQUENT TAXES	610,037	612,849	(2,812)	442,839
TAX LIENS	879,932	907,003	(27,071)	430,056
NET DUE TO/FROM OTHER FUNDS	1,067,322	1,392,247	(324,925)	(11,595,819)
TOTAL ASSETS	**$ 66,730,037**	**$ 79,668,099**	**$ (12,938,062)**	**$ 36,523,328**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ 3,613,786	$ 953,955	$ 2,659,831	$ 901,846
PAYROLL LIABILITIES	(349,021)	(275,240)	(73,781)	(350,435)
ACCRUED PAYROLL	245,746	43,709	202,037	(570,829)
STATE FEES PAYABLE	(169,350)	(224,342)	54,992	(129,140)
ESCROWED AMOUNTS	(32,662)	(32,563)	(99)	(32,462)
DEFERRED REVENUE	(26,018,370)	(26,517,709)	499,339	(1,798,833)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (22,709,871)**	**$ (26,052,190)**	**$ 3,342,318**	**$ (1,979,853)**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (41,021,351)	$ (50,617,092)	$ 9,595,741	$ (31,544,658)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,264)	1.00	(689,263)
TOTAL FUND BALANCE	**$ (44,020,167)**	**$ (53,615,909)**	**$ 9,595,742**	**$ (34,543,474)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (66,730,037)**	**$ (79,668,099)**	**$ 12,938,061**	**$ (36,523,327)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH October 31, 2023 VS October 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU OCT 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 53,935,348	$ 26,476,324	49.09%	$ 52,463,320	$ 25,987,944	49.54%	$ 488,380
PRIOR YEAR TAX REVENUE	$ -	$ 310,192		$ -	$ 80,370		$ 229,822
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,320,847	74.62%	$ 1,770,000	$ 1,322,921	74.74%	$ (2,074)
EXCISE	$ 4,535,000	$ 1,612,081	35.55%	$ 4,435,000	$ 1,650,999	37.23%	$ (38,918)
PENALTIES & INTEREST	$ 80,000	$ 29,146	36.43%	$ 120,000	$ 16,302	13.59%	$ 12,844
TOTAL TAXES	$ 60,320,348	$ 29,748,589	49.32%	$ 58,788,320	$ 29,058,536	49.43%	$ 690,053
LICENSES AND PERMITS							
BUSINESS	$ 240,000	$ 91,106	37.96%	$ 190,000	$ 93,333	49.12%	$ (2,227)
NON-BUSINESS	$ 199,100	$ 163,950	82.35%	$ 195,250	$ 131,352	67.27%	$ 32,598
TOTAL LICENSES	$ 439,100	$ 255,056	58.09%	$ 385,250	$ 224,685	58.32%	$ 30,371
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ -	0.00%	$ 400,000	$ -	0.00%	$ -
STATE REVENUE SHARING	$ 5,975,000	$ 2,386,399	39.94%	$ 4,504,100	$ 2,300,587	51.08%	$ 85,812
WELFARE REIMBURSEMENT	$ 125,000	$ 28,509	22.81%	$ 83,912	$ 13,858	16.51%	$ 14,651
OTHER STATE AID	$ 94,000	$ 12,883	13.71%	$ 32,000	$ -	0.00%	$ 12,883
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 182,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 6,776,000	$ 2,427,791	35.83%	$ 5,202,012	$ 2,314,445	44.49%	$ 113,346
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 355,550	$ 53,595	15.07%	$ 361,400	$ 41,567	11.50%	$ 12,028
PUBLIC SAFETY	$ 26,400	$ 9,576	36.27%	$ 30,800	$ 26,281	85.33%	$ (16,705)
EMS TRANSPORT	$ 1,465,000	$ 518,673	35.40%	$ 1,350,000	$ 495,963	36.74%	$ 22,710
TOTAL CHARGE FOR SERVICES	$ 1,846,950	$ 581,844	31.50%	$ 1,742,200	$ 563,811	32.36%	$ 18,033
FINES							
PARKING TICKETS & MISC FINES	$ 23,000	$ 9,290	40.39%	$ 28,000	$ 9,051	32.33%	$ 239
MISCELLANEOUS							
INVESTMENT INCOME	$ 45,000	$ 147,989	328.86%	$ 30,000	$ 14,561	48.54%	$ 133,428
RENTS	$ 75,000	$ 8,631	11.51%	$ 75,000	$ 2,593	3.46%	$ 6,038
UNCLASSIFIED	$ 20,000	$ 32,811	164.06%	$ 20,000	$ 54,109	270.55%	$ (21,298)
COMMERCIAL SOLID WASTE FEES	$ -	$ 12,667		$ -	$ 26,038		$ (13,372)
SALE OF PROPERTY	$ 100,000	$ 11,494	11.49%	$ 100,000	$ 611	0.61%	$ 10,883
MMWAC HOST FEES	$ 240,000	$ 77,370	32.24%	$ 240,000	$ 77,370	32.24%	$ 0
TRANSFER IN: TIF	$ 1,500,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 362,500	$ -	0.00%	$ 619,000	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - COMMUNITY ENGAGEMENT	$ 40,000	$ -		$ -	$ 32,700		
CDBG	$ 588,154	$ -	0.00%	$ 588,154	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ -	0.00%	$ 20,000	$ 769	3.85%	$ (769)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 1,500,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,490,654	$ 290,961	6.48%	$ 4,332,154	$ 208,751	4.82%	$ 114,910
TOTAL GENERAL FUND REVENUES	**$ 73,896,052**	**$ 33,313,531**	45.08%	**$ 70,477,936**	**$ 32,379,279**	45.94%	**$ 966,952**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 36,663,037	$ 7,320,491	19.97%	$ 34,826,024	$ 7,667,473	22.02%	$ (346,982)
EDUCATION	$ 611,103	$ 67,141	10.99%	$ 489,465	$ 24,782	5.06%	$ 42,359
SCHOOL FUND BALANCE CONTRIBUTION	$ 2,000,000	$ -	0.00%	$ 1,251,726	$ -	0.00%	$ -
TOTAL SCHOOL	$ 39,274,140	$ 7,387,632	18.81%	$ 36,567,215	$ 7,692,255	21.04%	$ (304,623)
GRAND TOTAL REVENUES	**$ 113,170,192**	**$ 40,701,163**	**35.96%**	**$ 107,045,151**	**$ 40,071,534**	**37.43%**	**$ 662,329**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH October 31, 2023 VS October 31, 2022

DEPARTMENT	FY 2024 BUDGET	EXP THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	EXP THRU OCT 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 171,750	$ 52,496	30.57%	$ 170,500	$ 44,812	26.28%	$ 7,684
CITY MANAGER	$ 695,009	$ 186,402	26.82%	$ 510,978	$ 159,742	31.26%	$ 26,660
COMMUNICATIONS & ENGAGEMENT	$ 356,522	$ 116,406	32.65%	$ 218,746	$ 61,278	28.01%	$ 55,128
CITY CLERK	$ 290,268	$ 86,035	29.64%	$ 257,506	$ 79,151	30.74%	$ 6,884
FINANCE	$ 1,228,112	$ 458,256	37.31%	$ 1,138,802	$ 365,800	32.12%	$ 92,456
HUMAN RESOURCES	$ 246,260	$ 77,484	31.46%	$ 222,099	$ 65,907	29.67%	$ 11,577
INFORMATION TECHNOLOGY	$ 917,487	$ 463,556	50.52%	$ 827,000	$ 351,483	42.50%	$ 112,073
TOTAL ADMINISTRATION	$ 3,905,408	$ 1,440,635	36.89%	$ 3,345,631	$ 1,128,173	33.72%	$ 312,462
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 682,189	$ 213,258	31.26%	$ 666,629	$ 233,246	34.99%	$ (19,988)
ECONOMIC DEVELOPMENT	$ 123,893	$ 63,659	51.38%	$ 286,598	$ 91,139	31.80%	$ (27,480)
BUSINESS & COMMUNITY DEVELOPMENT	$ 710,692	$ 117,008	16.46%	$ 671,411	$ 93,736	13.96%	$ 23,272
HEALTH & SOCIAL SERVICES	$ 180,825	$ 215,294	119.06%	$ 119,875	$ 32,707	27.28%	$ 182,587
RECREATION & SPORTS TOURISM	$ 722,416	$ 191,525	26.51%	$ 762,440	$ 196,851	25.82%	$ (5,326)
PUBLIC LIBRARY	$ 1,138,659	$ 379,614	33.34%	$ 1,084,437	$ 361,480	33.33%	$ 18,134
TOTAL COMMUNITY SERVICES	$ 3,558,674	$ 1,180,358	33.17%	$ 3,591,390	$ 1,009,159	28.10%	$ 171,199
FISCAL SERVICES							
DEBT SERVICE	$ 8,334,544	$ 7,382,946	88.58%	$ 8,361,254	$ 7,549,963	90.30%	$ (167,017)
CAPITAL INVESTMENT & PURCHASING	$ 783,252	$ 257,516	32.88%	$ 672,473	$ 205,190	30.51%	$ 52,326
WORKERS COMPENSATION	$ 715,400	$ 715,400	100.00%	$ 698,000	$ 698,000	100.00%	$ 17,400
WAGES & BENEFITS	$ 8,257,879	$ 2,264,780	27.43%	$ 7,876,393	$ 2,224,869	28.25%	$ 39,911
EMERGENCY RESERVE (10108062-670000)	$ 550,000	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,641,075	$ 10,620,642	56.97%	$ 18,069,350	$ 10,678,022	59.09%	$ (57,380)
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 6,304,713	$ 1,920,093	30.45%	$ 5,693,284	$ 1,870,690	32.86%	$ 49,403
POLICE DEPARTMENT	$ 5,207,160	$ 1,596,045	30.65%	$ 4,945,034	$ 1,374,926	27.80%	$ 221,119
TOTAL PUBLIC SAFETY	$ 11,511,873	$ 3,516,138	30.54%	$ 10,638,318	$ 3,245,616	30.51%	$ 270,522
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 6,108,837	$ 1,901,348	31.12%	$ 5,600,109	$ 1,420,440	25.36%	$ 480,908
SOLID WASTE DISPOSAL*	$ 1,386,000	$ 244,693	17.65%	$ 1,320,000	$ 294,043	22.28%	$ (49,350)
WATER AND SEWER	$ 792,716	$ 390,602	49.27%	$ 792,716	$ 390,602	49.27%	$ -
TOTAL PUBLIC WORKS	$ 8,287,553	$ 2,536,643	30.61%	$ 7,712,825	$ 2,105,085	27.29%	$ 431,558
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 204,733	99.87%	$ 205,000	$ 206,299	100.63%	$ (1,566)
E911 COMMUNICATION CENTER	$ 1,287,401	$ 321,850	25.00%	$ 1,217,713	$ 608,856	50.00%	$ (287,006)
LATC-PUBLIC TRANSIT	$ 400,079	$ -	0.00%	$ 431,811	$ -	0.00%	$ -
LA ARTS	$ 20,000	$ 15,000		$ 30,000	$ 15,000		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,172,480	$ 541,583	24.93%	$ 2,144,524	$ 830,155	38.71%	$ (288,572)
COUNTY TAX	$ 2,972,037	$ 2,972,037	100.00%	$ 2,761,220	$ 2,761,220	100.00%	$ 210,817
TIF (10108058-580000)	$ 3,049,803	$ -	0.00%	$ 3,049,803	$ 2,479,088	81.29%	$ (2,479,088)
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 54,098,903**	**$ 22,808,036**	**42.16%**	**$ 51,313,061**	**$ 24,236,518**	**47.23%**	**$ (1,428,482)**
EDUCATION DEPARTMENT	$ 59,071,289	$ 6,487,891	10.98%	$ 55,732,090	$ 7,129,785	12.79%	$ (641,894)
TOTAL GENERAL FUND EXPENDITURES	**$ 113,170,192**	**$ 29,295,927**	**25.89%**	**$ 107,045,151**	**$ 31,366,303**	**29.30%**	**$ (2,070,376)**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF October 31, 2023

INVESTMENT		FUND	BALANCE October 31, 2023	BALANCE September 30, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 7,048,672.14	$ 7,625,976.90	**2.00%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,052,675.41	$ 1,054,561.72	**2.00%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 15,803,296.79	$ 15,773,127.67	**2.00%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 53,561.11	$ 53,458.87	**2.00%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 346,310.39	$ 345,649.30	**2.00%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 231,233.17	$ 230,791.79	**2.00%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 475,555.04	$ 474,647.30	**2.00%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 248,574.53	$ 248,574.53	**2.00%**
NOMURA 2		ELHS Bond Proceeds	$ 18,564,969.00	$ 18,564,969.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.85%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**4.70%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.80%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.80%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.10%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.35%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
GRAND TOTAL			**$ 49,574,847.58**	**$ 50,121,757.08**	**4.38%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of September 30, 2023

	Beginning Balance 10/1/2023	October 2023 New Charges	Payments	Refunds	Adjustments	Write-Offs	Ending Balance 10/31/2023
Bluecross	**$ 34,102.27**	$ 18,210.00	$ (4,533.92)		$ (1,433.63)		**$ 46,344.72**
Intercept	**$ (769.20)**	$ 300.00	$ (200.00)				**$ (669.20)**
Medicare	**$ 265,218.39**	$ 217,867.20	$ (62,341.08)		$ (88,103.38)		**$ 332,641.13**
Medicaid	**$ 8,471.09**	$ 58,306.80	$ (44,840.55)		$ (30,745.39)		**$ (8,808.05)**
Other/Commercial	**$ 100,989.56**	$ 30,035.95	$ (17,844.33)		$ (2,892.26)		**$ 110,288.92**
Patient	**$ 89,253.56**	$ 19,484.60	$ (14,822.91)	$ (51.25)	$ (2,359.39)		**$ 91,504.61**
Worker's Comp	**$ (7,271.78)**	$ -	$ (794.03)				**$ (8,065.81)**
TOTAL	**$ 489,993.89**	**$ 344,204.55**	**$ (145,376.82)**	**$ (51.25)**	**$ (125,534.05)**	**$ -**	**$ 563,236.32**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2023 - June 30, 2024
Report as of October 31, 2023

	July 2023	August 2023	Sept 2023	Oct 2023	Totals	% of Total
Bluecross	$ 12,163.20	$ 17,050.40	$ 11,900.40	$ 18,210.00	$ 59,324.00	5.13%
Intercept	$ -	$ (969.20)	$ 200.00	$ 300.00	$ (469.20)	-0.04%
Medicare	$ 144,760.40	$ 176,422.00	$ 141,352.25	$ 217,867.20	$ 680,401.85	58.78%
Medicaid	$ 61,035.00	$ 82,884.40	$ 53,226.00	$ 58,306.80	$ 255,452.20	22.07%
Other/Commercial	$ 17,128.40	$ 36,769.30	$ 14,611.00	$ 30,035.95	$ 98,544.65	8.51%
Patient	$ 13,258.80	$ 16,885.60	$ 14,580.20	$ 19,484.60	$ 64,209.20	5.55%
Worker's Comp				$ -	$ -	0.00%
TOTAL	$ 248,345.80	$ 329,042.50	$ 235,869.85	$ 344,204.55	$ 1,157,462.70	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2023 - June 30, 2024
Report as of October 31, 2023

	July 2023	August 2023	Sept 2023	Oct 2023	Totals	% of Total
Bluecross	12	27	12	20	71	4.94%
Intercept	0	3	2	3	8	0.56%
Medicare	178	236	172	254	840	58.50%
Medicaid	72	112	59	64	307	21.38%
Other/Commercial	17	63	18	35	133	9.26%
Patient	16	20	16	25	77	5.36%
Worker's Comp			0		0	0.00%
TOTAL	295	461	279	401	1436	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of October 31, 2023

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1917 Wellness Grant	1928 Vending	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2014 Speed Grant	2015 AARP Walkability Grant	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training	
Fund Balance 7/1/23	$ 419,018.01	$ 7,337.93	$ 37,205.06	$ 7,041.18	$ -	$ 2,808.57	$ (862,167.55)	$ (101,432.52)	$ 212,779.28	$ 8,224.66	$ 31,585.83	$ 5,736.24	$ -	$ 545.31	$ 212,510.51	$ (8,205.29)	$ (27,012.78)
Revenues FY24	$ 12,940.01	$ 119.00	$ 704.64	$ 2,037.00	$ 204.70	$ 3,232.99	$ -		$ 2,301.00			$ 721.36			$ 41,251.49		$ 63,512.19
Expenditures FY24	$ 148,377.00			$ 1,124.22	$ 191.84	$ 6,457.99	$ 1,239,416.89		$ (2,250.00)	$ 8,047.78		$ 8,638.77					$ 1,410,004.49
Fund Balance 10/31/2023	**$ 283,581.02**	**$ 7,456.93**	**$ 37,909.70**	**$ 7,953.96**	**$ 12.86**	**$ (416.43)**	**$ (2,101,584.44)**	**$ (101,432.52)**	**$ 217,330.28**	**$ 176.88**	**$ 31,585.83**	**$ (2,181.17)**	**$ -**	**$ 545.31**	**$ 253,762.00**	**$ (8,205.29)**	$ (1,373,505.08)

	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2051 Project Canopy	2054 EMS Transport Capital Reserve	2059 Distracted Driving	2068 Northern Borders Grant	
Fund Balance 7/1/23	$ 1,207,031.43	$ 30,379.80	$ 25,064.37	$ 40,215.76	$ 3,374.73	$ 20,536.23	$ 21,618.18	$ -	$ 110,525.79	$ (1,695.00)	$ 2,213.05	$ (1,522.60)	$ 288,581.46	$ 802.57	$ 178,046.71	$ 1,925,172.48
Revenues FY24	$ 312,282.46			$ 83,401.50					$ 17,121.34				$ 1,954.53			$ 414,759.83
Expenditures FY24	$ 309,833.30		$ 9,210.44	$ 5,072.16	$ 5,840.47		$ 394.93		$ 22,715.44							$ 353,066.74
Fund Balance 10/31/2023	**$ 1,209,480.59**	**$ 30,379.80**	**$ 15,853.93**	**$ 118,545.10**	**$ (2,465.74)**	**$ 20,536.23**	**$ 21,223.25**	**$ -**	**$ 104,931.69**	**$ (1,695.00)**	**$ 2,213.05**	**$ (1,522.60)**	**$ 290,535.99**	**$ 802.57**	**$ 178,046.71**	$ 1,986,865.57

	2071 Com Engage Spec Events	2080 Futsol Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	
Fund Balance 7/1/23	$ 48,854.00	$ 25,353.61	$ 6,053.02	$ 11,279,077.49	$ 482.09	$ 82,000.00	$ 228,248.69	$ 11,670,068.90
Revenues FY24				$ 42,949.11	$ 9,285.89	$ 5,615.40	$ 124,922.03	$ 182,772.43
Expenditures FY24				$ 778,272.75	$ 5,103.71		$ 236,135.38	$ 1,019,511.84
Fund Balance 10/31/2023	**$ 48,854.00**	**$ 25,353.61**	**$ 6,053.02**	**$ 10,543,753.85**	**$ 4,664.27**	**$ 87,615.40**	**$ 117,035.34**	$ 10,833,329.49

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues	TIF Totals
Fund Balance 7/1/23	$ 126,694.39	$ 806,274.01	$ 786,690.71	$ (627,211.49)	$ 623,092.36	$ (662,615.38)	$ 19,435.74	$ 27,952.81	$ 1,120.91	$ 74,350.62	$ 132,062.18	$ (28,481.47)	$ 13,914.35	$ (76,544.08)	$ 59,527.65	$ 14,844,491.91	$ 1,276,263.31
Revenues FY24																$ 1,075,804.28	$ -
Expenditures FY24		$ -	$ 9,552.39	$ 260,900.00								$ 113,928.00		$ 37.50	$ -	$ 3,167,000.96	$ 384,417.89
Fund Balance 10/31/2023	**$ 126,694.39**	**$ 806,274.01**	**$ 777,138.32**	**$ (888,111.49)**	**$ 623,092.36**	**$ (662,615.38)**	**$ 19,435.74**	**$ 27,952.81**	**$ 1,120.91**	**$ 74,350.62**	**$ 132,062.18**	**$ (142,409.47)**	**$ 13,914.35**	**$ (76,581.58)**	**$ 59,527.65**	$ 12,338,535.40	$ 891,845.42

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for October 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of October 31, 2023

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of October 31, 2023.

Current Assets:
As of the end of October 2023 the total current assets of Ingersoll Turf Facility were $374,346. This consisted of cash and cash equivalents of $230,792 and an interfund receivable of $143,554 an increase from September of $9,251.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building, and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of October 31, 2023, was $61,779.

Liabilities:
Ingersoll had no liabilities as of October 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through October 2023 are $33,904. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through October 2023 were $8,789. These expenses include program costs, supplies, and capital purchases.

As of October 2023, Ingersoll has an operating gain of $8,789.

As of October 31, 2023, Ingersoll has an increase in net assets of $8,780

The budget to actual reports for revenue and expenditures, show that the revenue for FY24 compared to FY 23

.

60 Court Street • Suite 411 • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6620 Fax
www.auburnmaine.org

Statement of Net Assets
Ingersoll Turf Facility
October 31, 2023
Business-type Activities - Enterprise Fund

		October 31 2023	September 30 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 230,792	$ 230,364	$ 428
Interfund receivables/payables		$ 143,554	$ 134,731	8,823
Accounts receivable		-	-	-
	Total current assets	374,346	365,095	9,251
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(776,492)	(776,492)	-
	Total noncurrent assets	34,044	34,044	-
	Total assets	408,390	399,139	9,251
LIABILITIES				
Accounts payable		$ -	$ -	-
Interfund payable		$ -	$ -	-
Total liabilities		-	-	-
NET ASSETS				
Invested in capital assets		$ 34,044	$ 34,044	$ -
Unrestricted		$ 374,346	$ 365,095	$ 9,251
Total net assets		**$ 408,390**	**$ 399,139**	**$ 9,251**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
October 31, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 33,904
Operating expenses:	
Personnel	-
Supplies	-
Utilities	234
Repairs and maintenance	
Rent	-
Depreciation	-
Capital expenses	8,555
Other expenses	
Total operating expenses	8,789
Operating gain (loss)	25,115
Nonoperating revenue (expense):	
Interest income	1,305
Interest expense (debt service)	-
Total nonoperating expense	1,305
Gain (Loss) before transfer	26,420
Transfers out	-
Change in net assets	26,420
Total net assets, July 1	381,970
Total net assets, October 31, 2023	**$ 408,390**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through October 31, 2023 compared to October 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU OCT 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 6,025			$ 1,000	
Batting Cages		$ 3,435			$ 750	
Programs		$ 6,702			$ 1,210	
Rental Income		$ 27,879			$ 8,965	
TOTAL CHARGE FOR SERVICES	$ -	$ 44,041		$ -	$ 11,925	
INTEREST ON INVESTMENTS	$ -	$ 1,305		$ -	$ 87	
GRAND TOTAL REVENUES	**$ -**	**$ 45,346**		**$ -**	**$ 12,012**	

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through October 31, 2023 compared to October 31, 2022

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU OCT 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			See Recreation Budget			$ -
Purchased Services							$ -
Programs		$ 1,040			$ 3,400		$ (2,360)
Supplies					$ 1,641		$ (1,641)
Utilities		$ 234					$ 234
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 8,555		$ -	$ 11,136		$ (2,581)
	$ -	$ 9,829		$ -	$ 16,177		$ (6,348)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 9,829**		**$ -**	**$ 16,177**		**$ (6,348)**

City of Auburn, Maine
"Maine's City of Opportunity"

Financial Services

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for October 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of October 31, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, September 30, 2023.

Current Assets:
As of the end of October 2023 the total current assets of Norway Savings Bank Arena were ($1,474,824). These consisted of cash and cash equivalents of $280,564, accounts receivable of $144,194 and an interfund payable of $1,899,582.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of October 31, 2023, were $102,173.

Liabilities:
Norway Arena had accounts payable of $998 as of October 31, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through October 2023 are $323,9246. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through October 2023 were $284,735. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of October 2023 Norway Arena had an operating gain of $38,559.

As of October 31, 2023, Norway Arena has an increase in net assets of $38,559.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $164,540 more for this period than in FY22 and expenditures in FY23 are $12,454 more than last year in October.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
October 31, 2023
Business-type Activities - Enterprise Fund

		October 31 2023	September 30 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 280,564	$ 280,968	$ (404)
Interfund receivables		$ (1,899,582)	$ (1,809,992)	$ (89,590)
Prepaid Rent				$ -
Accounts receivable		144,194	138,181	$ 6,013
	Total current assets	(1,474,824)	(1,390,843)	(83,981)
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		517,049	517,049	-
Land improvements		-	-	-
Less accumulated depreciation		(473,099)	(473,099)	-
	Total noncurrent assets	102,173	102,173	-
	Total assets	(1,372,651)	(1,288,670)	(83,981)
LIABILITIES				
Accounts payable		$ 998	$ 998	$ -
Net OPEB liability		$ 64,614	$ 64,614	$ -
Net pension liability		(52,355)	(52,355)	-
Total liabilities		13,257	13,257	-
NET ASSETS				
Invested in capital assets		$ 102,173	$ 102,173	$ -
Unrestricted		$ (1,385,908)	$ (1,404,100)	$ 18,192
Total net assets		**$ (1,283,735)**	**$ (1,301,927)**	**$ 18,192**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
October 31, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 323,294
Operating expenses:	
Personnel	120,563
Supplies	26,295
Utilities	14,973
Repairs and maintenance	13,288
Insurance Premium	-
Depreciation	
Capital expenses	99,185
Other expenses	10,431
Total operating expenses	284,735
Operating gain (loss)	38,559
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	38,559
Transfers out	-
Change in net assets	38,559
Total net assets, July 1	(1,322,294)
Total net assets, October 31, 2022	**$ (1,283,735)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through October 31, 2023 compared to October 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU OCT 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500		0.00%	$ -
Skate Rentals	$ 6,000	$ 400	6.67%	$ 6,000		0.00%	$ 400
Pepsi Vending Machines	$ 2,000	$ 125	6.25%	$ 2,000	$ 265	13.25%	$ (140)
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ -	0.00%	$ -
Vending Food	$ 2,000	$ 87	4.35%	$ 2,000	$ 54	2.70%	$ 33
Sponsorships	$ 230,000	$ 176,750	76.85%	$ 230,000	$ 59,865	26.03%	$ 116,885
Pro Shop	$ 7,000	$ 507	7.24%	$ 7,000		0.00%	$ 507
Programs	$ 20,000		0.00%	$ 20,000		0.00%	$ -
Rental Income	$ 702,000	$ 133,865	19.07%	$ 702,000	$ 70,770	10.08%	$ 63,095
Camps/Clinics	$ 50,000	$ 11,560	23.12%	$ 50,000	$ 16,850	33.70%	$ (5,290)
Tournaments	$ 50,000	$ -	0.00%	$ 50,000	$ 10,950	21.90%	$ (10,950)
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 323,294	29.70%	$ 1,088,500	$ 158,754	14.58%	$ 164,540

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through October 31, 2023 compared to October 31, 2022

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU OCT 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 120,563	41.42%	$ 291,095	$ 81,989	28.17%	$ 38,574
Purchased Services	$ 136,900	$ 23,719	17.33%	$ 136,900	$ 39,956	29.19%	$ (16,237)
Supplies	$ 76,562	$ 26,295	34.34%	$ 76,562	$ 9,590	12.53%	$ 16,705
Utilities	$ 267,000	$ 14,973	5.61%	$ 267,000	$ 14,160	5.30%	$ 813
Capital Outlay	$ 50,000	$ 99,185	198.37%	$ 50,000	$ 18,586	37.17%	$ 80,599
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 284,735	34.66%	$ 821,557	$ 164,281	20.00%	$ 120,454
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 284,735**	**34.66%**	**$ 821,557**	**$ 164,281**	**20.00%**	**$ 120,454**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Ordinance:** 21-09182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Amending Chapter 14, Article XVIII Adult Use and Medical Marijuana Businesses

---

Information: The proposed ordinance amendments provides the city clerk with the authority to issue marijuana licences and requires the applicant provide evidence of all State approvals or conditional approvals, evidence of all land use approvals or condidtional land use approvals, and evidence of all other local approvals or conditional approvals required to operate a marijuana business at the subject premises, and also outlines the appeals process.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage

Previous Meetings and History: Presented at the 9/18/2023 Council meeting. Council voted to postpone this item until the 10/16/2023 meeting. A public hearing was held and it passed the first reading. This is the second and final reading.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDINANCE 21-09182023

City Council Ordinance

IN CITY COUNCIL

Amending the Code of Ordinances, Chapter 14, Business Licenses and Permits, Article XVIII. Adult Use and Medical Marijuana Businesses

Be it ordained, that the City Council hereby approves the amendment of Chapter 14, Business Licenses and Permits, of the Code of Ordinances as follows (additions are underlined; deletions are ~~struck through~~):

ARTICLE XVIII. ADULT USE AND MEDICAL MARIJUANA BUSINESSES

Sec. 14-650. Title

This article shall be known and cited as the "City of Auburn Adult Use and Medical Marijuana Businesses Ordinance" and will be referred to hereinafter as "this ordinance". This ordinance limits all subject adult use and medical marijuana businesses to the zoning districts specified under the auburn zoning ordinance, prescribes definitions of adult use and medical marijuana businesses, and provides for permitting/licensing and regulation of adult use and medical marijuana businesses, and provides performance standards for adult use and medical marijuana businesses.

Sec. 14-651. Authority and applicability.

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421 et seq.; and the city's home rule

authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. § 3001 et seq., and 30-A M.R.S. § 4301 et seq.

Sec. 14-652. Purpose.

It is the purpose of this ordinance to regulate adult use and medical marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of adult use and medical marijuana businesses in Auburn.

Persons or entities wishing to establish an adult use or a medical marijuana business within the City of Auburn shall first obtain a license from the Auburn City ~~Council~~Clerk ~~(hereinafter "the city council")~~ and shall be subject to the provisions of this ordinance.

This ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

Sec. 14-654. Effective date; applicability date.

The effective date of this ordinance [from which this article derived], and the business licensing thereunder, shall be the date of adoption by the city council. Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Article evidenced by Ordinance 21-09182023, when enacted, shall govern any proposed license application for which an application has not been submitted to and finally acted upon by the City prior to July 1, 2023.

Sec. 14-657. License required.

No person may establish, operate or maintain a marijuana business without first obtaining a license from the city ~~council~~clerk.

It is a violation of this ordinance for any person to operate a marijuana business without a valid marijuana business license issued by the city clerk pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an adult use marijuana business may not submit an application for a license unless the applicant has been issued a conditional license by the ~~s~~State of ~~m~~Maine to operate the adult use marijuana business.

Marijuana business licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

Registered caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. Registered caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S.A. § 1502. Home cultivation of adult use marijuana for personal use is

exempt from the licensing requirements of this ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

Sec. 14-658. Application procedure.

(a) *An application for a license must be made on a form provided by the city.*

(b) *All applicants must be qualified according to the provisions of this ordinance.* Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this ordinance.

(c) *Application to establish a marijuana business*.

(1) If the applicant who wishes to operate a marijuana business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a marijuana business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

(2) The completed application for a marijuana business license shall contain the following information and shall be accompanied by the following documents:

a. If the applicant is an individual means the individual shall state their legal name and any aliases, and submit proof that they are at least 21 years of age.

b. If the applicant is a partnership. The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least 21 years of age.

c. If the applicant is a corporation. The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least 21 years of age.

d. If the applicant is a limited liability company (LLC). The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least 21 years of age.

e. If the applicant intends to operate the marijuana business under a name other than that of the applicant, they must state the marijuana business' name and submit the required registration documents.

f. If the applicant, an officer, member or employee has been convicted of criminal activity under state and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

g. If the applicant has had a previous license under this ordinance or other similar marijuana business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the marijuana business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must

list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

h. If the applicant holds any other permits/licenses under this ordinance or other similar marijuana business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.

i. The type of marijuana business for which the applicant is seeking a license.

j. The location of the proposed marijuana business, including a legal description of the property, street address, and telephone number.

k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

l. The applicant's mailing address and residential address.

m. Recent passport-style photograph(s) of the applicant(s).

n. The applicant's driver's license.

o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

p. A copy of a city tax map depicting: The subject property lines and the property lines of other properties containing any existing marijuana businesses within 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 750 feet of the subject property, measured in accordance with section 14-659.

q. Evidence of all State approvals or conditional approvals required to operate a marijuana business at the subject premises.

r. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, a building permit, site plan approval, change of use permit or certificate of occupancy for the subject premises.

s. Evidence of all other local approvals or conditional approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, food service establishment licenses.

All applications for a marijuana business license shall be kept confidential by the city.

(4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.

(5) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and

managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

(e) *Application and license fees.* All applications must be submitted with a $500.00 fee. If an application is approved, the following license fees must be paid before the city will issue a license:

Marijuana store. Annual operation license fee: $5,000.00.

Marijuana manufacturing facility. Annual operation license fee: $2,500.00.

Marijuana testing facility. Annual operation license fee: $2,500.00.

Adult use marijuana cultivation:

Tier 1. 0—500 square feet of plant canopy—Annual permit/licensing fee: $1,000.00.

Tier 2. 501—2,000 square feet of mature plant canopy—Annual license fee: $1,500.00.

Tier 3. 2,001—7,000 square feet of mature plant canopy—Annual license fee: $2,500.00.

Tier 4. Greater than 7,000 square feet of mature plant canopy—Annual license fee: $5,000.00.

Medical marijuana cultivation. Annual operation license fee: $1,000.00.

Adult use marijuana nursery cultivation. Annual license fee: $1,000.00 (Plant canopies of individual nursery cultivations are permanently capped at 1,000 square feet.)

Renewal applicants for adult use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for adult use marijuana cultivation licenses may not hold more than three such licenses or a total combined plant canopy in excess of 30,000 square feet.

(f) *Complete application*. In the event that the city clerk determines that a submitted application is not complete, the city clerk shall notify the applicant that the application is not complete and shall inform the applicant of the additional information required to process the application.

Sec. 14-662. Appeals.

(a) Any parties aggrieved by a decision of the city clerk under this ordinance may bring the following appeals to the city council:

(1) Appeal by the applicant of the city clerk's denial of an application;

(2) Appeal by the applicant of any license granted by the city clerk with conditions to which the applicant/licensee objects; and

(3) Appeal by any aggrieved party having legal standing of any decision by the city clerk to grant a license under this ordinance.

(b) Appeals must be filed in writing with the office of the city clerk or designee within 30 days of the date of the decision subject to appeal.

(c) The city council shall hold a *de novo* hearing on an appeal within 30 days of the date the appeal is received by the city, unless all parties consent to an enlargement of that time period. It shall be the duty of the city clerk

City Council Ordinance

or designee to notify such parties of the time and place of the hearing. At the hearing, the city council will receive evidence on the application. Following the hearing, the city council shall issue a written decision on the appeal with its findings of fact and conclusions of law.

(d) The city council may approve any application previously denied by the city clerk only upon the affirmative vote of five or more members of the city council.

(e) An appeal from any final decision of the city council may be taken by any party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Ordinance:** 24-11202023

Author: John Blais

Subject: Proposed Map Change Converting Rural Residential Zoning District to Low Density Country Residence Zone within the Lake Auburn Watershed Overlay District.

Information: To amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

As a positive recommended by Planning Board. This change is conjunction with updates proposing several text amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District including amending subsurface wastewater disposal (SSWD), or septic system standards requiring a limiting soil horizon of at least 36 inches and that the bottom the disposal field be at least 24 inches above the limiting soil horizon "limiting factor".

Several lots in the Lake Auburn Watershed Overlay District are not currently buildable because they do not have suitable soil to host a septic system under the current standard. While offering better effluent treatment to the SSWD systems in the Lake Auburn Watershed Overlay District, changing this design standard by allowing mounded systems would likely also have the effect of rendering more lots in the Lake Auburn Watershed Overlay District buildable with the allowance of mounded systems. More buildable lots may mean creating more potential SSWD systems, more land-based runoff, and less forested or vegetated areas to collect nutrients before they enter lake Auburn.
The purpose of this map amendment is to offset the building potential created by modernizing the SSWD standards. The planning board recommended to city council that changing the septic standards should coincide with changing the zoning in the Lake Auburn Watershed to allow fewer houses to offset the possible unwanted development in the watershed of Auburn's drinking water supply.
This map amendment proposes changing all land in the Low-Density Rural Residence or Rural Residence (RR) zoning district, shown in brown, to the Low-Density Country Residence (LDCR) zoning district, shown in green, within the Lake Auburn Watershed Overlay District. This change reduces the density from one dwelling unit per acre and minimum 250 feet road frontage to one dwelling unit per three acres and minimum 325 feet road frontage. For reference, the relevant meetings to this point have been listed below. This change considered with the Overlay District amendments will reduce total potential for development and ensure that any development that does occur will meet a higher standard for the protection of Lake Auburn. text amendments will reduce total potential for development and ensure that any development that does occur will meet a higher standard for the protection of Lake Auburn.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Council completes the first reading tonight and plan to hold the public hearing on December 4, 2023 for the map amendment of 1,030 acres to Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn Watershed to the Low-Density Country Residence (LDCR) zoning district.

Previous Meetings and History:

Apr. 12, 2022— Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn Watershed Overlay District.

May 2, 2022—City Council orders the Planning Board to consider a zone change reducing housing density in the Lake Auburn Watershed from one dwelling per acre to one dwelling per three acres in the Rural Residence zoning district in the Lake Auburn Watershed.

May 3, 2022—Special Planning Board workshop to consider reducing the housing density in all parts of the Lake Auburn Watershed from one unit per acre to one-unit per three acres by changing RR zone to the LDCR zone.

Aug. 15, 2022—City Council workshop on reducing housing density in Lake Auburn Watershed from one dwelling unit per acre to one dwelling unit per three acres in the Rural Residential District in the Lake Auburn Watershed.

October 11, 2022—Planning Board Public Hearing to change RR to LDCR in all portions of the Lake Auburn watershed. Motion to recommend change to Council.

October 10, 2023—Planning Board workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR.

October 16, 2023—City Council workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR.

November 14, 2023-Planning Board, Public Hearing.

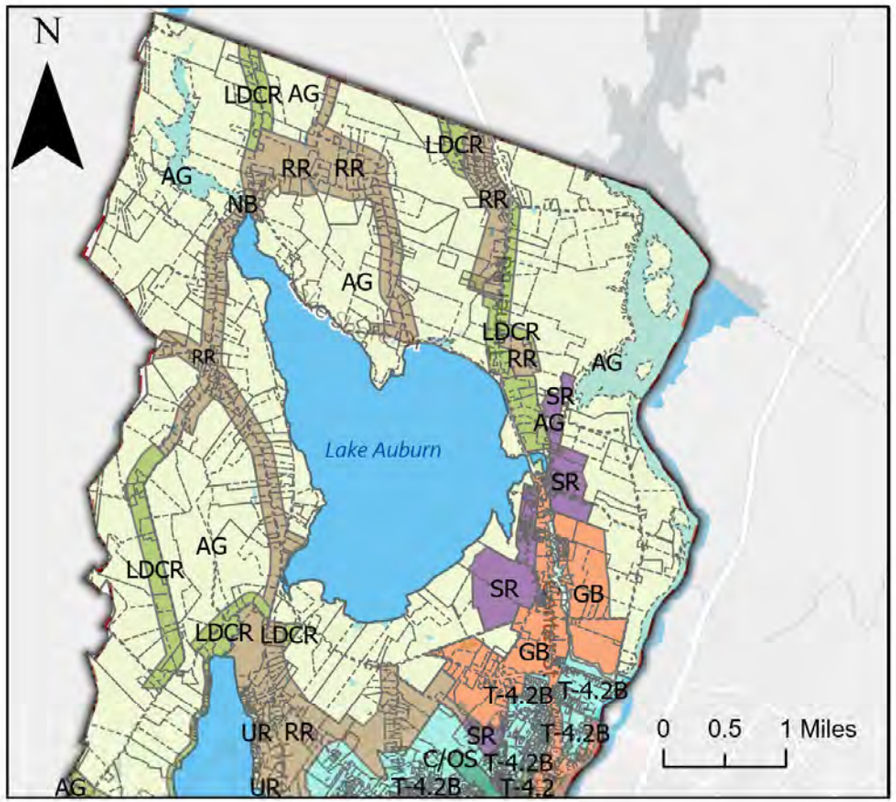
November 20, 2023 – Passage of first reading

City Manager Comments:

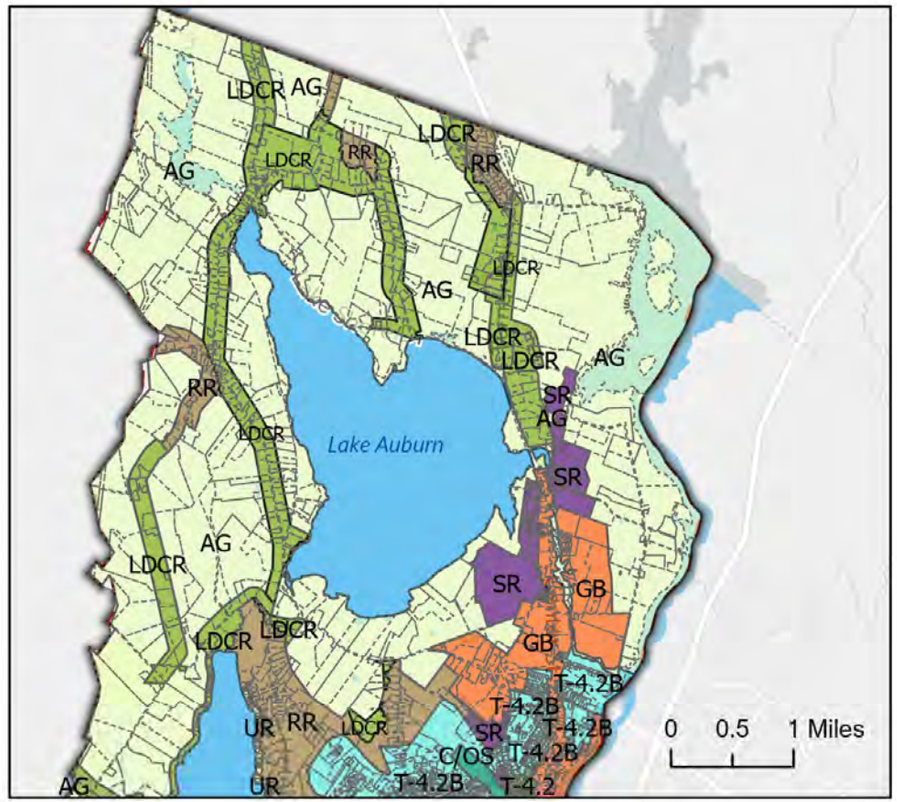
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed Ordinance, planning board motion, planning board staff report (text amendments) staff report (RR to LDCR), watershed zone map (existing RR), watershed zone map (proposed LDCR)

Zoning Map Amendment for Public Hearing November 14, 2023:
Rezoning Approximately 1,030 Acres of RR to LDCR



Existing Zoning



Proposed Zoning

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

Source: City of Auburn, Zoning Map, dated May 16, 2016

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 11/20/2023
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation to City Council on proposed map amendment to change the minimum lot size to three acres in the residential areas of the Lake Auburn watershed

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Map Amendment: Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

MOTION: David Trask makes a motion; **SECOND:** Evan Cyr seconds.

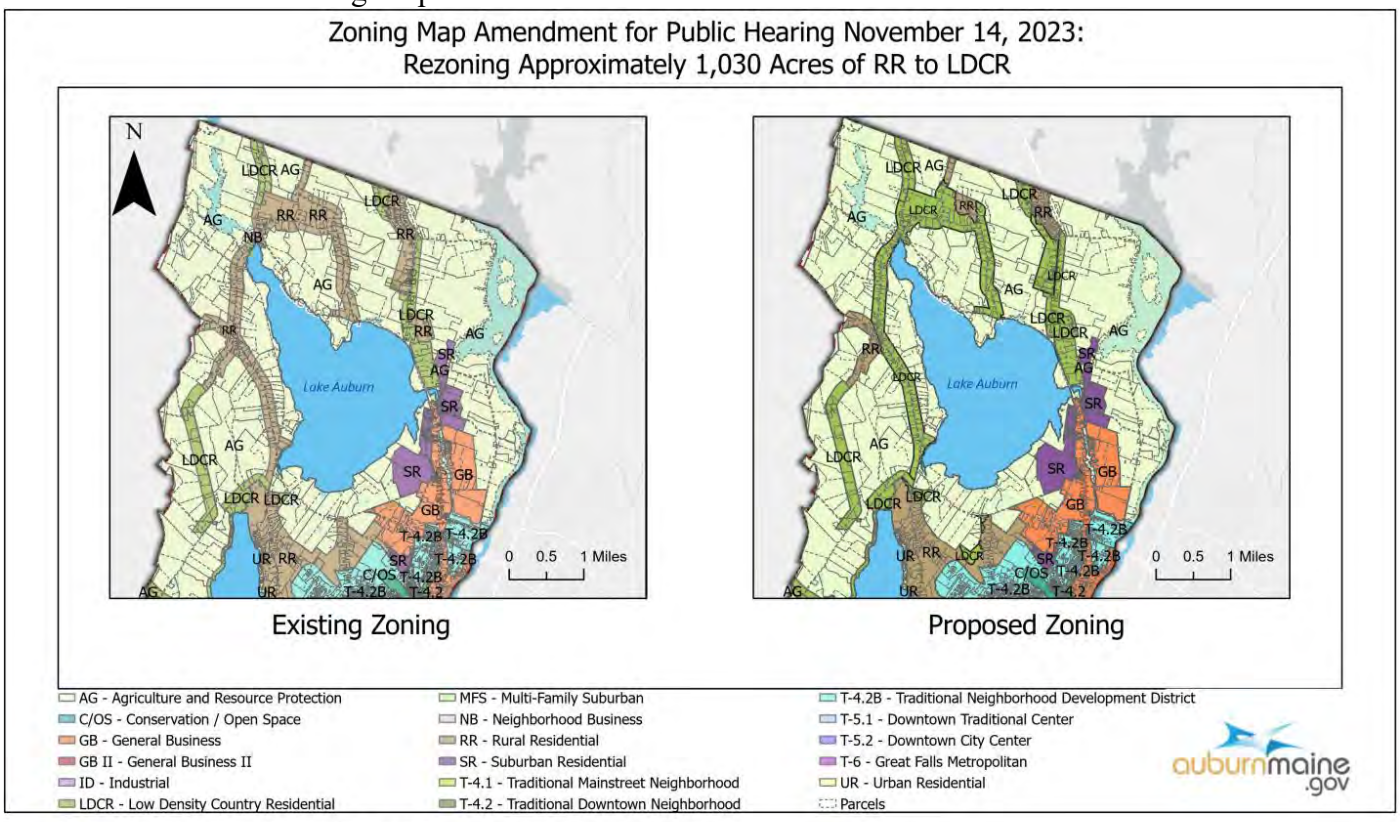
"I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence zoning district within the Lake Auburn Watershed to the Low-Density Country Residence zoning district." **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: November 14, 2023
To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator

Subject: Staff Report on Proposed Map Change Converting Rural Residential Zoning District to Low Density Country Residence Zone within the Lake Auburn Watershed Overlay District.

I. **Proposal: Public Hearing/ Map Amendment:** Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.



Source: City of Auburn, Zoning Map, dated May 16, 2016

II. **Background:** The City of Auburn is proposing several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District including amending subsurface wastewater (SSWW) disposal, or septic system standards requiring a limiting soil horizon of at least 36 inches and that the bottom the disposal field be at least 24 inches above the limiting soil horizon limiting factor. This current standard does not allow for the most effective treatment of effluent because it forces effluent to travel below the organic duff layer, where the best treatment would occur. Under this existing standard, the treatment occurs in sandy, well-drained soils, which are not able to capture and treat onsite waste

nutrients. The proposed system decreases the limiting soil horizon to 12" but requires the disposal field to be treated through the existing natural duff layer and the required suitable natural soil or specified soil media must provide a minimum separation of 36-inch separation between the bottom of the disposal field and limiting factor. The proposed update is intended to improve the treatment efficiency of approximately 251 existing systems within the Lake Auburn watershed thereby reducing the potential accumulation of non-point source pollution to Lake Auburn.

Several lots in the Lake Auburn Watershed Overlay District are not currently buildable because they do not have suitable soil to host a septic system under the current standard. While offering better effluent treatment to the SSWW disposal systems in the Lake Auburn Watershed Overlay District, changing this design standard by allowing mounded systems would likely also have the effect of rendering more lots in the Lake Auburn Watershed Overlay District buildable with the allowance of mounded systems. More buildable lots may mean creating more potential SSWD systems, more land-based runoff, and less forested or vegetated areas to collect nutrients before they enter lake Auburn.

The purpose of this map amendment is to offset the building potential created by modernizing the SSWW disposal standards. The planning board recommended to the city council that changing the septic standards should coincide with changing the zoning in the Lake Auburn Watershed to allow fewer houses to offset the possible unwanted development in the watershed of Auburn's drinking water supply.

This map amendment proposes changing all land in the Low-Density Rural Residence or Rural Residence (RR) zoning district, shown in brown, to the Low-Density Country Residence (LDCR) zoning district, shown in green, within the Lake Auburn Watershed Overlay District. This change reduces the density from one dwelling unit per acre and minimum 250 feet road frontage to one dwelling unit per three acres and minimum 325 feet road frontage. For reference, the relevant meetings to this point have been listed below. This change considered with the Overlay District amendments will reduce total potential for development and ensure that any development that does occur will meet a higher standard for the protection of Lake Auburn.

Previous Meetings and Actions:

- **Apr. 12, 2022**— Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn Watershed Overlay District.
- **May 2, 2022**—City Council orders the Planning Board to consider a zone change reducing housing density in the Lake Auburn Watershed from one dwelling per acre to one dwelling per three acres in the Rural Residence zoning district in the Lake Auburn Watershed.
- **May 3, 2022—**Special Planning Board workshop to consider reducing the housing density in all parts of the Lake Auburn Watershed from one unit per acre to one-unit per three acres by changing RR zone to the LDCR zone.
- **Aug. 15, 2022**—City Council workshop on reducing housing density in Lake Auburn Watershed from one dwelling unit per acre to one dwelling unit per three acres in the Rural Residential District in the Lake Auburn Watershed.
- **October 11, 2022**—Planning Board Public Hearing to change RR to LDCR in all portions of the Lake Auburn watershed. Motion to recommend change to Council.
- **October 10, 2023**—Planning Board workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR
- **October 16, 2023**—City Council workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR

-

III. Planning Board Action: Hold a Public Hearing and recommend approval of the zoning map change to the City Council.

IV. Suggested Motion: I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas (1030+/-acres) in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn Watershed to the Low-Density Country Residence (LDCR) zoning district.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

(1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).

(2) One-family detached dwellings.

(3) Two-family dwellings.

(4) Lawn maintenance services.

(b) *Special exception uses*. The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).

(2) Bed and breakfast.

(3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

(1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for

domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

(2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.

(4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

Secs. 60-203—60-227. Reserved.

Ordinance: 24-11202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from LDRR or RR to LDCR

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Ordinance:** 26-11202023

Author: John Blais

Subject: Proposed Map Change from Agriculture and Resource Protection (AGRP) to General Business (GB)

Information: The proposal was initiated by the planning board in a workshop on October 10, 2023, and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map. Early today, the planning board will consider updating the Lake Auburn Watershed Overlay zoning map to match the "DWP Potential Boundary" that was agreed upon by the City of Auburn, Auburn Water and Sewer District, and Lewiston Water Division.

The land area that is removed from the watershed, approximately 80 acres, is currently zoned AGRP 20 acres will remain as AGRP. Staff believes that General Business (GB) would be the most appropriate option to apply in this area based on direction from the 2021 Comprehensive Plan. The Future Land Use Plan for the area near Gracelawn to be changed to the Commercial Development District, which is synonymous with the General Business District in its allowed uses and densities. An important goal for the city is listed in Strategy I.2.3.c in the Comprehensive Plan: to "Investigate opportunities for high quality, creative use of vacant land and/or buildings in and around commercial/ industrial centers." This includes rezoning Gracelawn Pits as a planned development site to be used for a mix of office, retail, and residential space, while assuring that the water quality of Lake Auburn is protected (page 73, Comprehensive Plan) because of its proximity to the abutting GB zone across Mount Auburn Ave.

At the November 14th planning board meeting, the board voted to recommend changing the zone in this area to GB. The motion itself is attached to this packet. The planning board had the following findings in their review.

1. The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone.
2. The new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill.
3. The proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Council discuss the proposals and provide the first reading and vote and prepare for the final reading and public hearing on December 4, 2023.

Previous Meetings and History:

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens' petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023— "**DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.

Nov. 2, 2023—City staff send DWP Lake Auburn Watershed Overlay District updates.

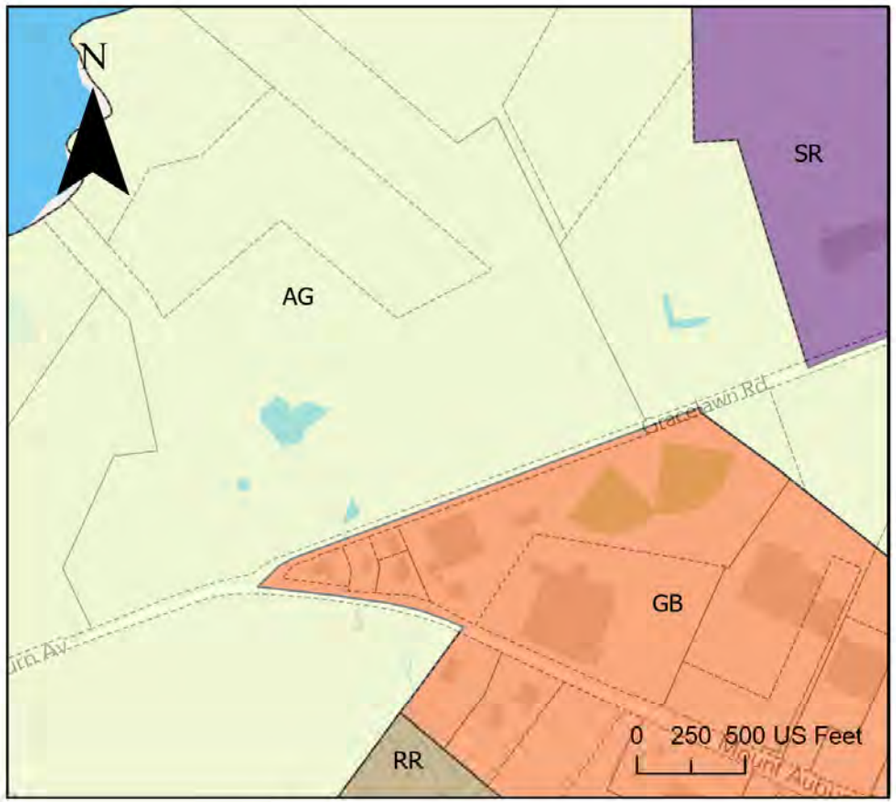
- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
- **Nov. 20, 2023**—Passage of first reading.

City Manager Comments:

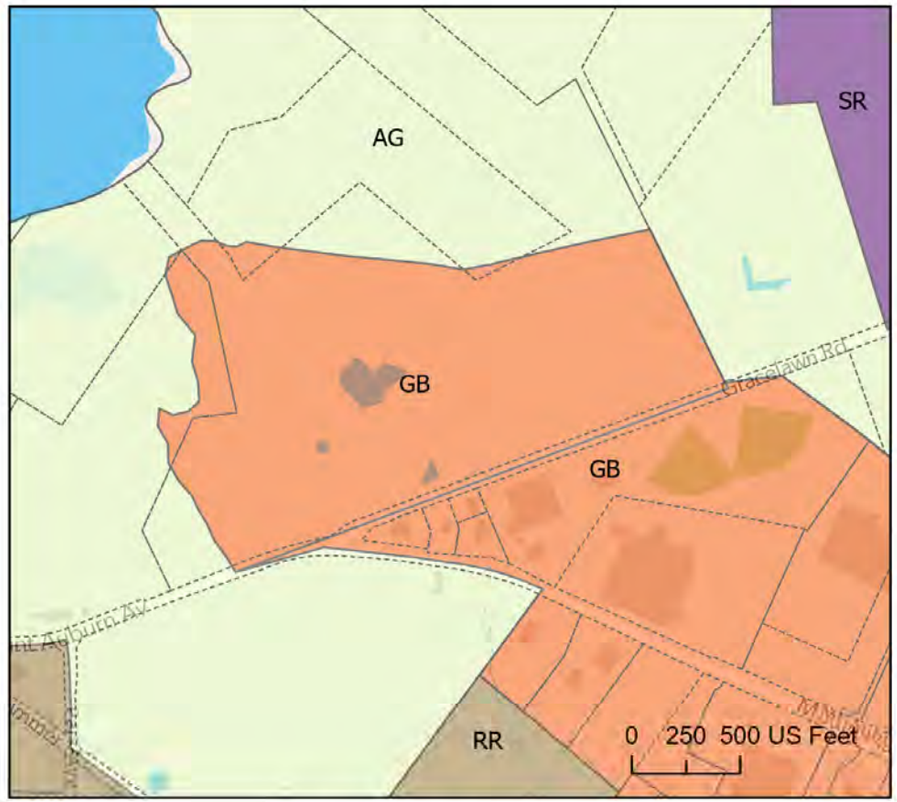
I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed Ordinance, planning board motion, staff report (new watershed zone GB), GB zone ordinance and updated Map.

Zoning Map Amendment for Public Hearing November 14th 2023:
Rezoning Approximately 60 Acres of AGRP to GB



Existing Zoning



Proposed Zoning

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels

auburnmaine.gov

* City of Auburn, Zoning Map, dated May 16, 2016

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 11/20/2023
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation to City Council on proposed map amendment changing the Gracelawn area from AGRP to GB zoning district

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Map Amendment: Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by rezoning approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district. The proposal was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

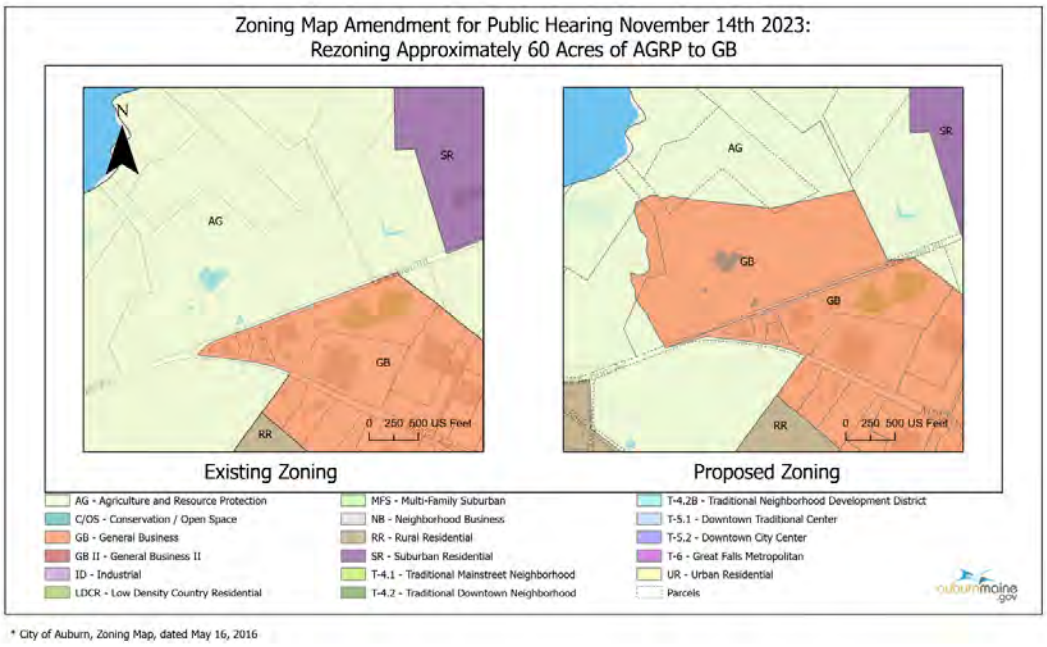
MOTION: David Trask makes a motion; **SECOND:** Amanda Guerrette second.

"I'm going to make a motion that we recommend to the council that we support the proposed changes to include that the General Business Boundary be adjusted to include the 60 acres shown on the map based on the following findings: The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone. The proposed new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc., CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new proposed adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill and that the proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan."
VOTE: 6-1-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: November 11, 2023

To: Auburn Planning Board
From: John Blais, Deputy Director of Planning and Permitting
Re: Staff Report on Proposed Map Change from Agriculture and Resource Protection (AGRP) to General Business (GB)



* City of Auburn, Zoning Map, dated May 16, 2016

I. **Public Hearing/ Map Amendment:** New zone considerations for area along Gracelawn Road amending approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district.

II. **Background:** The proposal was initiated by the planning board in a workshop on October 10, 2023, and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map. Early today, the planning board will consider updating the Lake Auburn Watershed Overlay zoning map to match the "DWP Potential Boundary" that was agreed upon by the City of Auburn, Auburn Water and Sewer District, and Lewiston Water Division.

The land area that is removed from the watershed, approximately 80 acres, is currently zoned AGRP 20 acres will remain as AGRP. Staff believes that General Business (GB) would be the most appropriate option to apply in this area based on direction from the 2021 Comprehensive Plan. The Future Land Use Plan for the area near Gracelawn to be changed to the Commercial Development District, which is synonymous with the General Business District in its allowed uses and densities. An important goal for the city is listed in Strategy I.2.3.c in the Comprehensive Plan: to "Investigate opportunities for high quality, creative use of vacant land and/or buildings in and around commercial/ industrial centers." This includes rezoning Gracelawn Pits as a planned development site to be used

for a mix of office, retail, and residential space, while assuring that the water quality of Lake Auburn is protected (page 73, Comprehensive Plan) because of its proximity to the abutting GB zone across Mount Auburn Ave.

COMMERCIAL DEVELOPMENT DISTRICT (CDD)(Excerpt from Comprehensive Plan)

Objective – Allow for the development of a wide range of uses including those that involve the sales of motor vehicles and/or that generate significant truck traffic. The district will allow for both existing and new residential use at a density of up to 16 units per acre.

Allowed Uses – The Commercial Development District generally follows the boundaries of the General Business and General Business II (Minot Avenue) Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed in the General Business Development District:

- *Low and High Residential Density Uses*
- *Retail uses including large-scale uses (>100,000 square feet)*
- *Personal and business services*
- *Business and professional offices*
- *Medical facilities and clinics*
- *Restaurants*
- *Hotel, motels, inns, and bed & breakfast establishments*
- *Low and High-Density Residential Uses*
- *Community services and government uses.*
- *Research, light manufacturing, assembly, and wholesale uses*
- *Truck terminals and distribution uses*
- *Contractors and similar activities*
- *Motor vehicle and equipment sales*
- *Motor vehicle service and repair*
- *Recreational and entertainment uses and facilities.*

Development Standards – The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property. The standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require a landscaped buffer along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.

III. Environmental considerations for this zone change include having the ability to converting an existing active gravel pit to what could be a mixed-use development that could range from multi-family homes and multifaceted businesses found in the General Business District. If development occurs the site would revegetate in areas where structures and supporting infrastructure is not planned. The area would have the ability to plan for a sustainable development that would address stormwater and site law that has not been addressed in the last 60 years as grandfathered gravel pit.

IV. Utilizing the federal government's Environmental Protection Agency (EPA) Region 5 modeling for reporting Clean Water Act, 319 Grant projects staff ran a hypothetical model to redevelop the proposed 60 acres compared to what is existing today. Assumptions include the following: 40 acres of commercial development, 12 acres of vacant undeveloped land, 8 acres of open space revegetated. Compared to the 46 acres of open gravel pit, 4 acres of gravel roads, 10 acres of vacant land. Below is the overall annual pollutant load and runoff volumes for before after implementing permanent Best Management Practices such as Low Impact Development techniques to stabilize the site and treat stormwater runoff for a significant net reduction in nitrogen, phosphorus, bio-oxygen demand, sediment, and volumes of water.

Overall annual pollutant load and runoff volume before and after BMPs				
Pollutant	Pre-BMP	Reduction	After BMP	Percent Reduction
TN (lb/yr)	727.33	363.66	363.66	50%
TP (lb/yr)	72.73	36.37	36.37	50%
BOD (lb/yr)	3,230.77	2,220.85	1,009.92	69%
Sediment (lb/yr)	27,974.09	23,752.65	4,221.44	85%
Flow Volume (ac-ft/yr)	138.50	119.79	18.72	86%

Planning Board Action/Staff Suggestion: Staff suggest a planning board discuss the proposals and hold a Public Hearing on November 11, 2023. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed change, to include that the General Business Boundary be adjusted to include the 60 acres shown on the map based on the following findings.

SUGGESTED FINDINGS AND REASONS:

1. The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone.
2. The new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill.
3. The proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

(a) *Permitted uses.* The following uses are permitted:

(1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).

(2) Grocery stores and supermarkets.

(3) Clothing stores.

(4) Furniture stores.

(5) Department stores.

(6) Specialty shops.

(7) Hotels and motels.

(8) Funeral homes and mortuaries.

(9) Child day care centers.

(10) Medical and dental clinics.

(11) Wholesale bakeries.

(12) Retail laundries and dry cleaners, but not plants.

(13) Banks, business and professional offices.

(14) Public transportation passenger offices.

(15) Governmental offices.

(16) Municipal, civic or public service buildings and other utility facilities.

(17) Warehouses, wholesale offices, salesrooms and showrooms.

(18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.

(19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.

(20) Animal hospitals and pet shops, but no kennels.

(21) Business equipment repair and business services.

(22) Radio and television studios.

(23) Printing shops, but not publishing plants.

(24) Retail, service, office and commercial uses similar to the foregoing.

(25) Carwashes.

(26) Accessory uses, building and structures.

(27) Shelters for abused persons.

(28) Greenhouses and lawn maintenance services.

(29) Temporary outdoor places of amusement.

(30) Churches and temples.

(31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

(32) Marijuana cultivation accessory to a licensed retail store on the same property.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

(1) Automobile filling stations.

(2) Automobile repair and service stations.

(3) Automobile and marine sales lots and sales and service agencies.

(4) Automobile and marine paint and body repair shops.

(5) Hospitals, care homes, boardinghouses and lodginghouses.

(6) Research or philanthropic institutions.

(7) Outdoor theaters.

(8) Drive-in or carry-out restaurants.

(9) Commercial parks.

(10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.

(11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.

(12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

(13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.

(14) Convenience stores.

(15) Research, experimental and testing laboratories.

(16) Landscape services.

(17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.

(18) Automotive towing and storage.

(19) Major retail development provided that it meets the conditions noted in section 60-45(g).

(20) Outpatient addiction treatment clinics.

(21) Adaptive reuse of structures of community significance.

(22) Public safety services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(23) Government services.

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

Sec. 60-500. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

(1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).

(2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).

(3) *Yard requirements.*

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering

requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

(4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

(5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)

Secs. 60-501—60-523. Reserved.

Ordinance: 26-11202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from AGRP to GB

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Ordinance:** 27-12042023

Author: John Blais

Subject: Map amendment revising the Lake Auburn Watershed Overlay District.

Information: Amending the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

The 2021 report by FB Environmental Associates, Horsely Witten Group, and the University of Maine, "A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME" offered several recommended revisions to Auburn's Code of Ordinances and Regulations in the Lake Auburn Watershed Overlay District. One such recommendation was to update the Lake Auburn Watershed Overlay District Ordinance to reflect the revised watershed boundary, reducing the existing watershed boundary by 148 acres in the Gracelawn road area based on their understanding of the topography in the area.

Following a citizen-initiated petition against changing the zoning around the Lake Auburn Watershed Overlay District in the Gracelawn area, the Lake Auburn Watershed Overlay boundary, the City Council voted to repeal the ordinance that initially changed the Lake Auburn Watershed Overlay District and zoning to what they were prior to March 21, 2022.

Since the vote to repeal Ordinance 08-02072022, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the "DWP Potential Boundary" shown in the attached memo is a conservative boundary that can be established with available data. More information would be necessary if there were to be any future amendment to the Lake Auburn Watershed Overlay district.

The purpose of this first public meeting is to amend the City's Lake Auburn Watershed Overlay map on our GIS system to match the agreed upon Lake Auburn watershed boundary shown as "DWP Potential Boundary" in Figure 1 - 0 Site Plan Depicting Areas of Uncertainty, and "Proposed Change" map sourced from CDM Smith in the "Lake Auburn Watershed Overlay District for Public Hearing November 14, 2023." This meeting will be followed by a first reading in city council on November 20, and a second reading and public hearing in city council on December 4, 2023.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends that the Council discuss the proposals and hold the public meeting and first reading and forward a positive vote for a second reading and public hearing.

Previous Meetings and History:

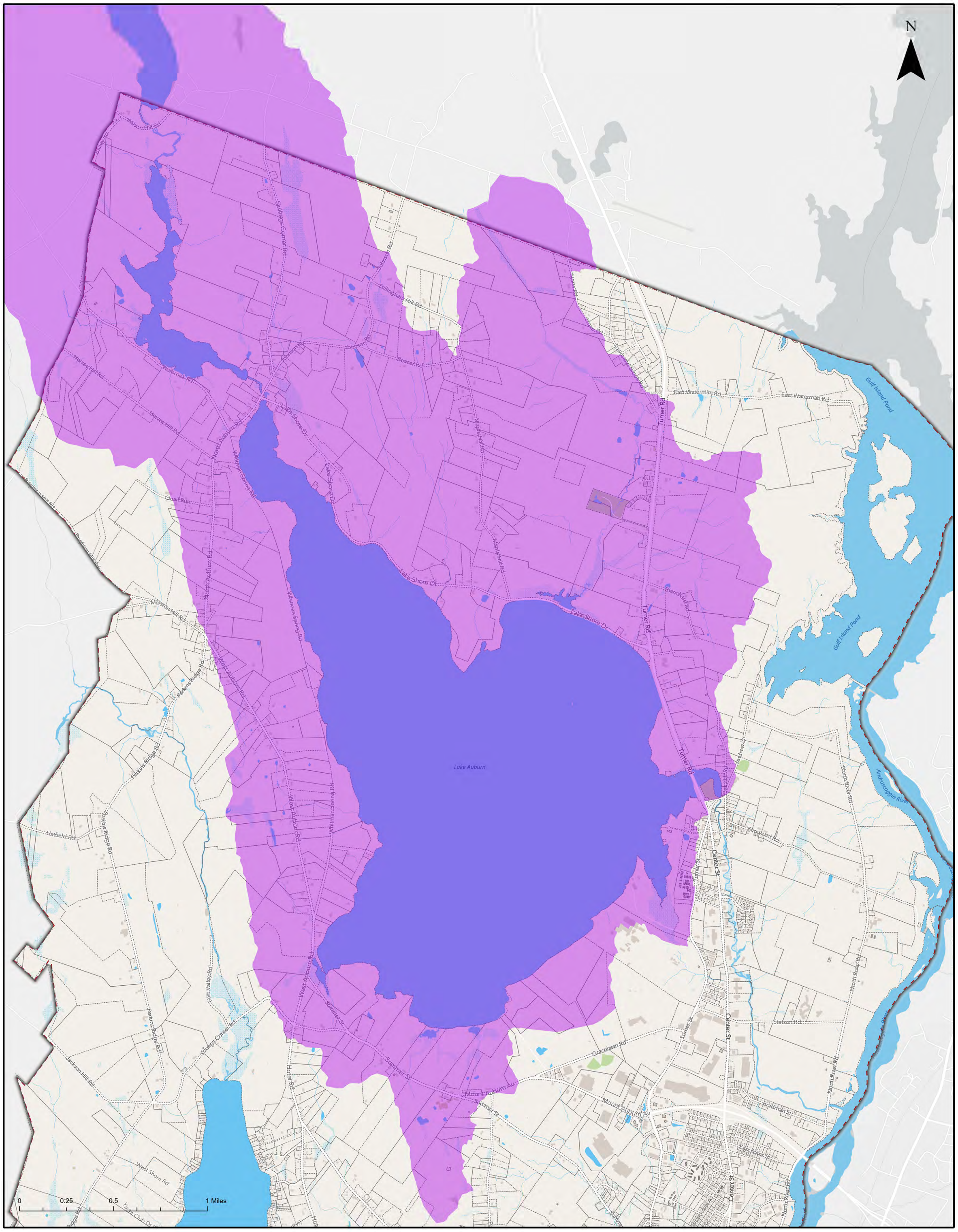
- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens' petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023— "**DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.
  Nov. 2, 2023—City staff send DWP Lake Auburn Watershed Overlay District updates.
- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
- **Nov. 20, 2023**—Passage of first reading.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: planning board motion, staff report (new watershed boundary), DWP memo, LWD memo, Lewiston memo, City of Auburn Memo, watershed boundary map existing and proposed.

Proposed Lake Auburn Watershed Overlay District Zoning Map
Amendment for Public Hearing November 14, 2023



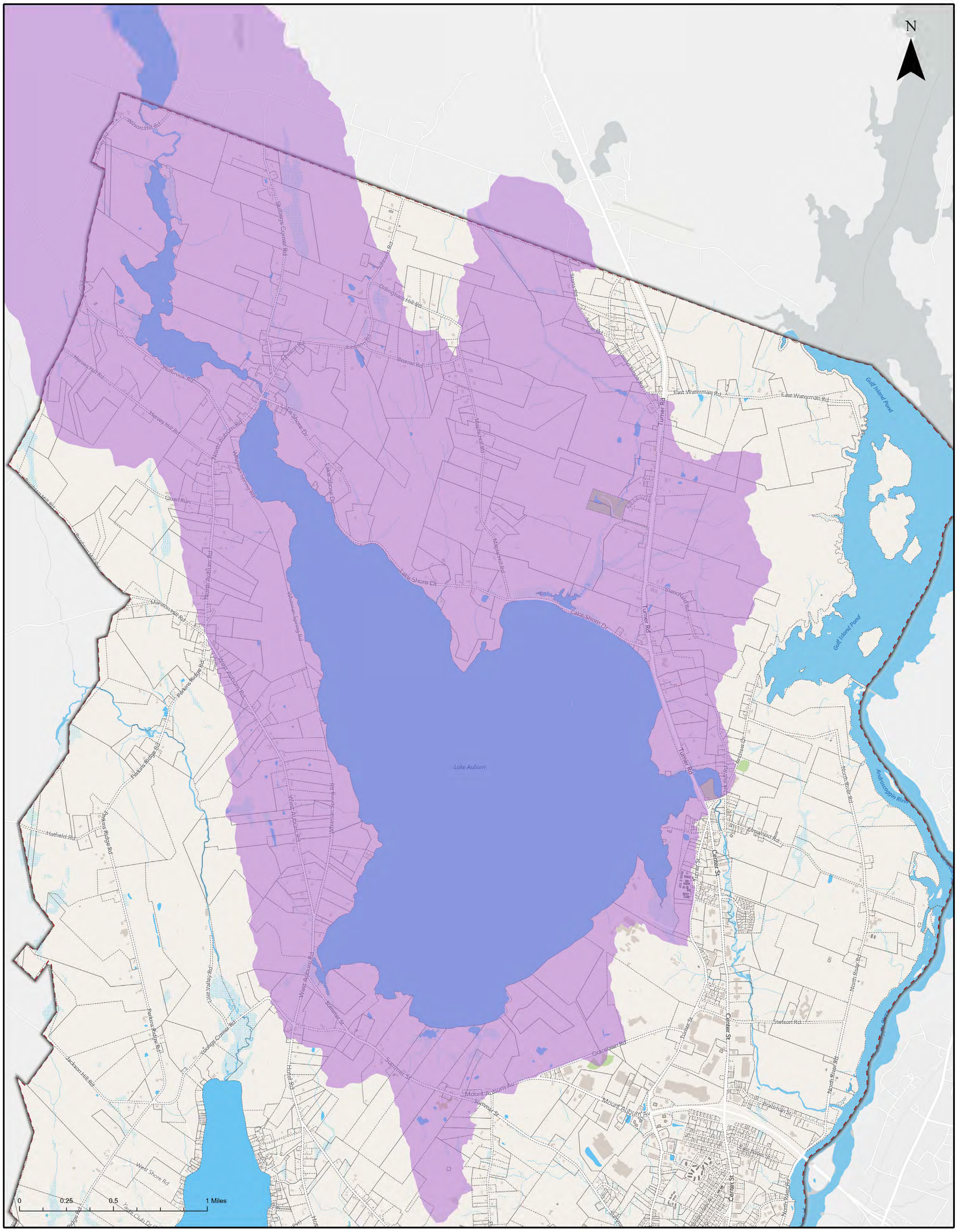
Parcels

Proposed Lake Auburn Watershed Overlay District

*Proposed Lake Auburn Watershed Overlay District Source: CDM Smith

auburnmaine.gov

Existing Lake Auburn Watershed Overlay District Zoning Map
Amendment for Public Hearing November 14, 2023



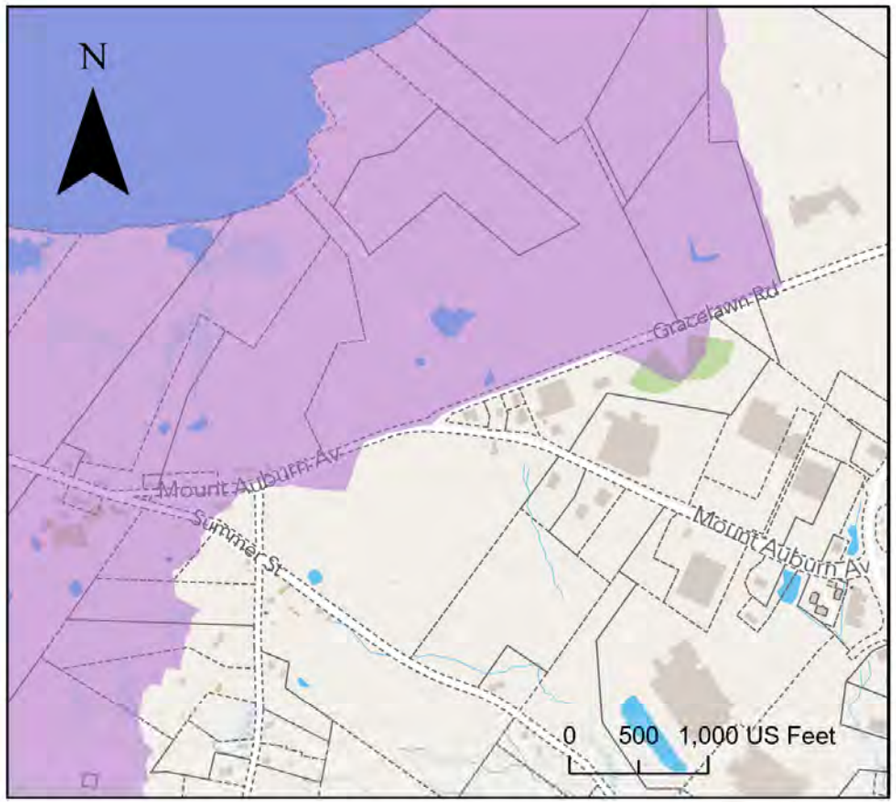
Parcels

Existing Lake Auburn Watershed Overlay District

* City of Auburn, Zoning Map, dated May 16, 2016

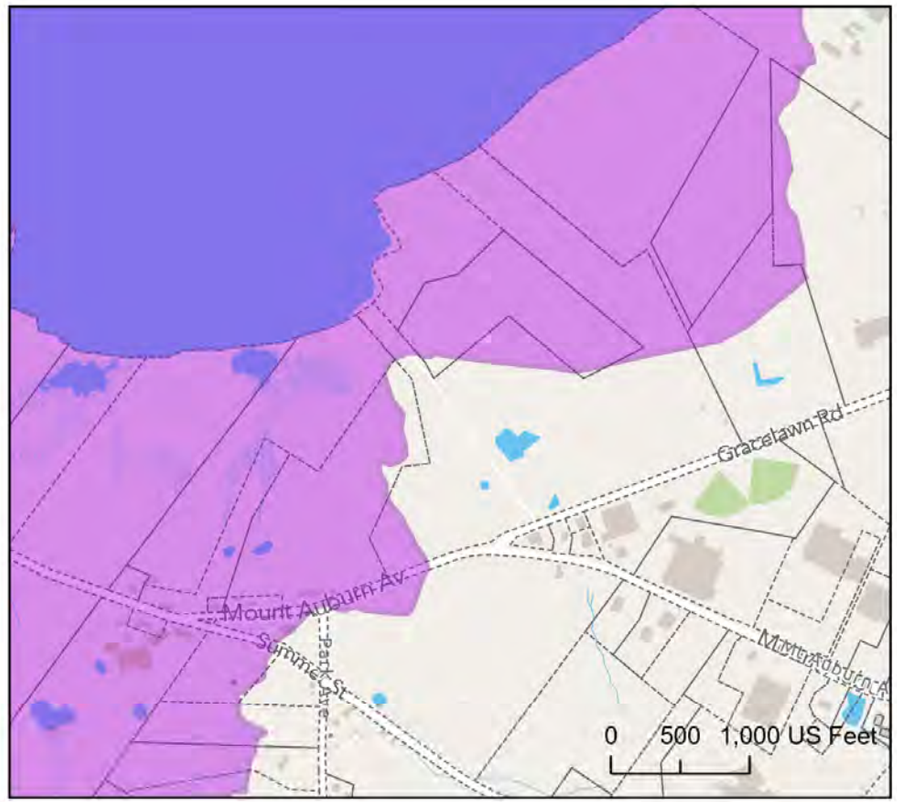
auburnmaine.gov

Lake Auburn Watershed Overlay District Zoning Map Amendment for Public Hearing November 14, 2023



Existing Zoning

Source: City of Auburn, Zoning Map, dated May 16, 2016



Proposed Zoning

Source: CDM Smith

Parcels

Existing Lake Auburn Watershed Overlay District

Proposed Lake Auburn Watershed Overlay District

auburnmaine.gov

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: 11/20/2023
To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation to City Council on proposed map amendment regarding the bounds of the Lake Auburn Watershed Overlay District

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Map Amendment: Consider amending the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask and Amanda Guerrette second simultaneously.

I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in the staff report dated November 14th 2023 with subject heading being 'Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District.'"
VOTE: 7-0-0 motion passes.

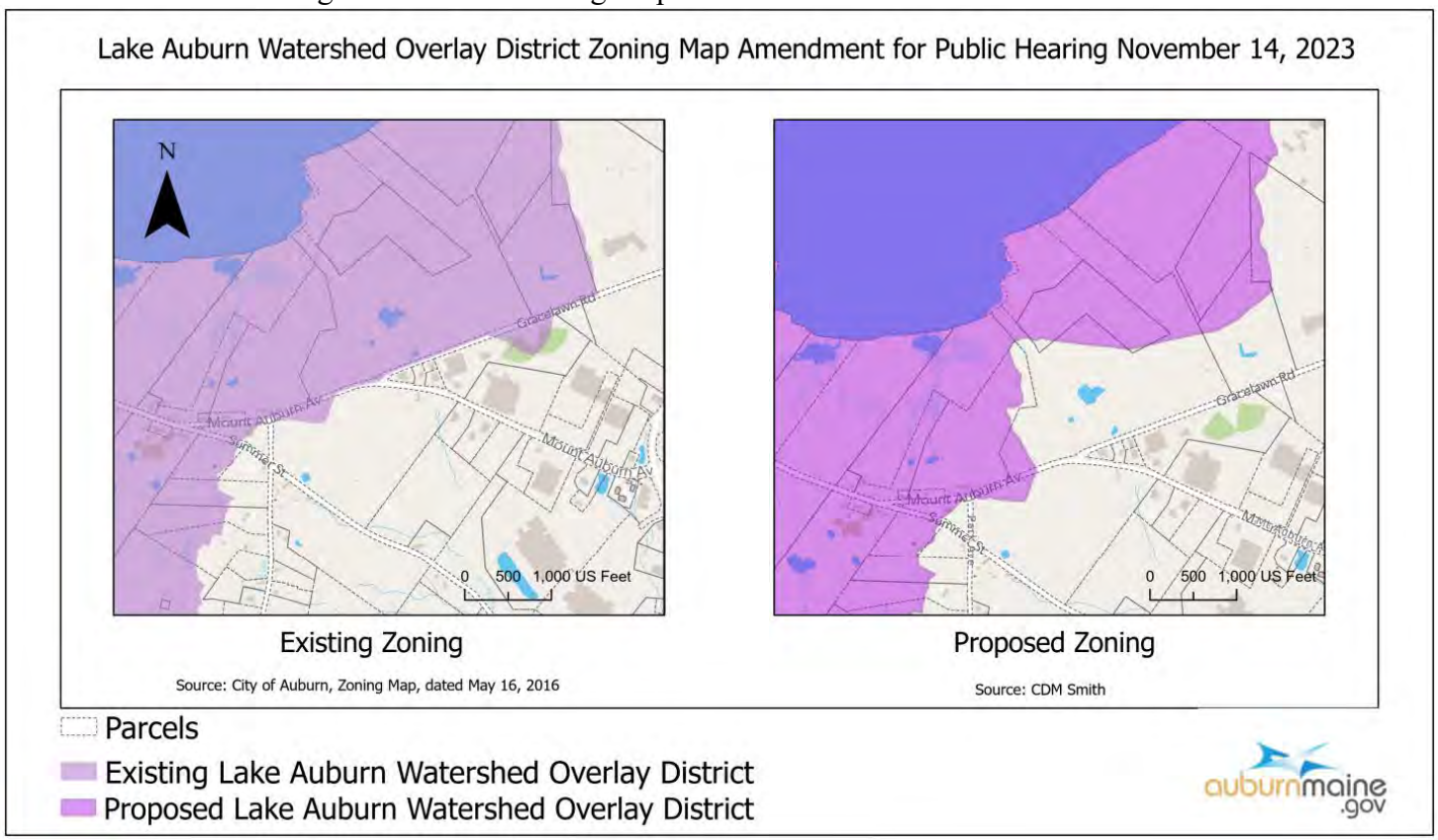
City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: November 14, 2023
To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator

Subject: Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District

I. Proposal: Public Hearing/ Map Amendment:

Consider amending the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.



II. Background:

The 2021 report by FB Environmental Associates, Horsely Witten Group, and the University of Maine, "A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME" offered several recommended revisions to Auburn's Code of Ordinances and Regulations in the Lake Auburn Watershed Overlay District. One such recommendation was to update the Lake Auburn Watershed Overlay

District Ordinance to reflect the revised watershed boundary, reducing the existing watershed boundary by 148 acres in the Gracelawn road area based on their understanding of the topography in the area.

In the following months, the Planning Board and City Council held public hearings on amending the Lake Auburn Watershed Overlay District and changing the zoning in the area formerly but no longer considered to be within the Lake Auburn watershed from the Agriculture and Resource Protection (AGRP or AG) zoning district to the General Business (GB) zoning district as well as on amending this area's designation in the in the Future Land Use Plan to the Community Development District (CDD).

Following a citizen-initiated petition against changing the zoning around the Lake Auburn Watershed Overlay District in the Gracelawn area, the Lake Auburn Watershed Overlay boundary, the City Council voted to repeal the ordinance that initially changed the Lake Auburn Watershed Overlay District and zoning to what they were prior to March 21, 2022.

Since the vote to repeal Ordinance 08-02072022, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the "DWP Potential Boundary" shown in the attached memo is a conservative boundary that can be established with available data. More information would be necessary if there were to be any future amendment to the Lake Auburn Watershed Overlay district.

The purpose of this public hearing is to amend the City's Lake Auburn Watershed Overlay map on our GIS system to match the agreed upon Lake Auburn watershed boundary shown as "DWP Potential Boundary" in Figure 1 - 0 Site Plan Depicting Areas of Uncertainty, and "Proposed Change" map sourced from CDM Smith in the "Lake Auburn Watershed Overlay District for Public Hearing November 14, 2023." This meeting will be followed by a first reading in city council on November 20, and a second reading and public hearing in city council on December 4. Relevant meetings and actions up to this point and planned in the future have been listed below.

Previous Meetings and Actions:

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens' petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023— "**DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.

Nov. 2, 2023—City staff send DWP Lake Auburn Watershed Overlay District updates.

- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
- **Nov. 20, 2023**—Anticipated City Council first reading on amending the Lake Auburn Watershed Overlay District.
- **Dec. 4, 2023**—Anticipated City Council second reading and public hearing on amending the Lake Auburn Watershed Overlay District.

III. Planning Board Action:

Staff recommends that the planning board forward a favorable recommendation to amend the Lake Auburn Watershed Overlay District as described in the suggested motion below.

IV. Recommended Motion:

"I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the "City of Auburn Zoning Map dated May 16, 2016," revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in this meeting's materials."

LEWISTON ME

Public Works

September 18, 2023

Mr. Michael Broadbent, Superintendent
Auburn Water District
PO Box 414
Auburn, Maine 04212-0414

Mike
Superintendent Broadbent:

I am pleased, as I am sure you were, to have received the Maine Drinking Water Program's September 5, 2023 letter. As you know, the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty".

Of course, the Auburn Watershed boundary through the Gracelawn Parcel is an issue in the pending lawsuit, *City of Lewiston v. Auburn Water District, et al.* In an effort to remove that issue from suit, Lewiston consents to an amendment of the AWD bylaws to redefine the Level 1 zone of protection to exclude the portion of the Gracelawn parcel that lies between the DWP Potential Boundary line and the nearest roadway (and only to this extent).[1] Additionally, Lewiston proposes that AWD, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway. Upon the successful completion of these actions, Lewiston will notify the court that it is dropping this issue from the lawsuit.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. AWD has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the parties can amicably settle the remaining issues in the present lawsuit.

Please contact me with any questions.

Sincerely,

Kevin

Kevin A. Gagne, P.E.
Deputy Director of Utilities

ENCLOSURES: Maine Drinking Water Program's September 5, 2023 letter

---

[1] As the City of Lewiston recently communicated to AWD through counsel, it is Lewiston's position that AWD's current bylaws limit the Board of Trustee's authority to revise and amend the watershed. The Board may more specifically identify and map "these restriction zones" only to the extent the map is consistent with the bylaws' existing definitions of the restriction zones. The Level 1 Intake Restricted Zone is defined to consist "of the shoreline of Lake Auburn upland to the closest roadway." The DWP Potential Boundary is between the shoreline of Lake Auburn and the closest roadway, so adopting it as the Watershed boundary will require a change to the bylaws.

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation, Gracelawn Parcel area, Auburn, ME

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"* (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

The DWP agrees with the CDM Smith finding that the "DWP Potential Boundary" on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report's recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the "Main Pit Area" into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).

- Investigate further and provide an explanation of the apparent "upward head gradients, i.e., groundwater flow into the lake" in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith *Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission* memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:

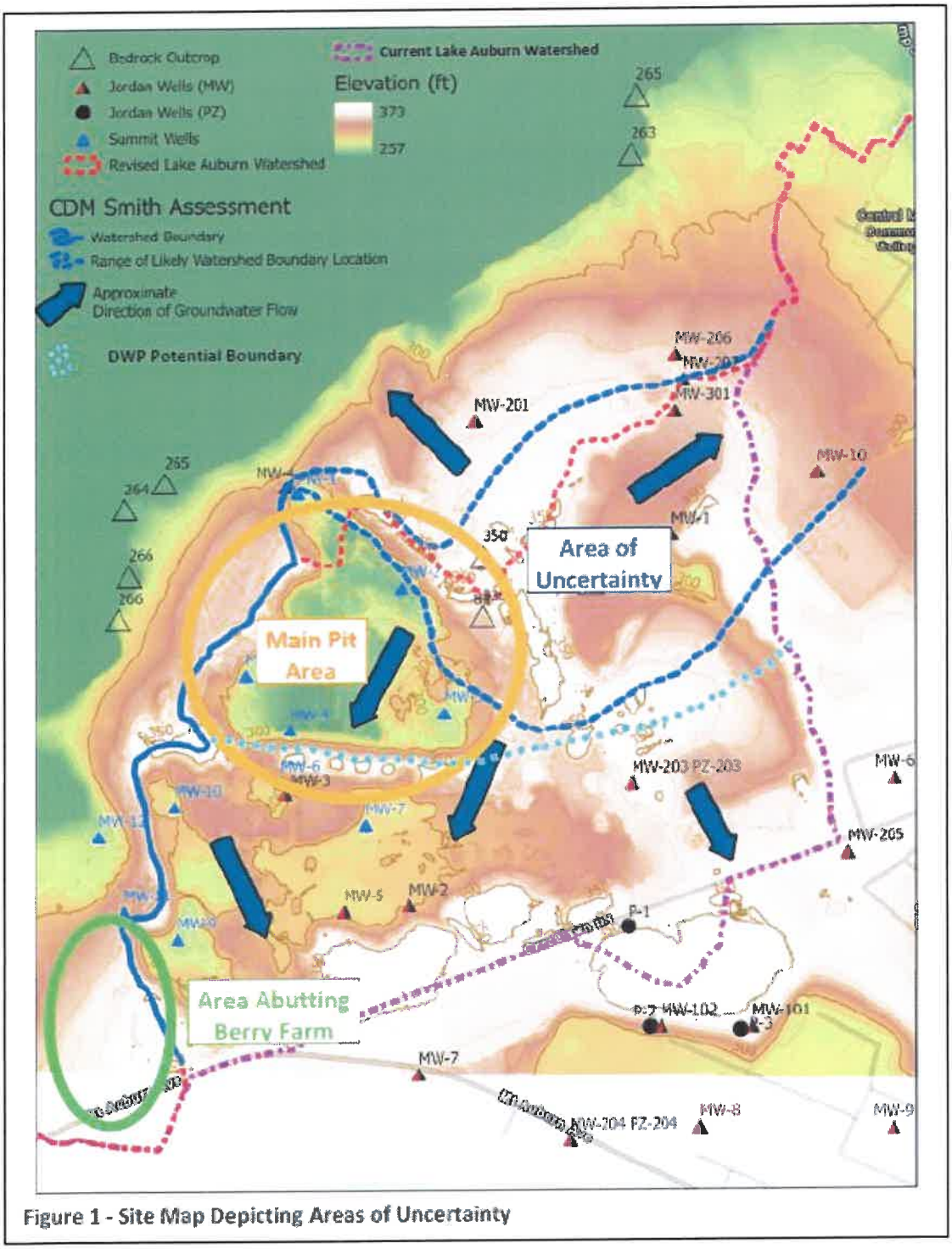


Figure 1 - Site Map Depicting Areas of Uncertainty

Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

Sincerely,

Susan F. Breau

Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

ec Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file

LEWISTON ME

Administration

Phil Crowell, City Manager
City of Auburn
60 Court Street
Auburn, Maine 04210

September 18, 2023

Manager Crowell,

Last week, the Auburn Water District and the Lewiston Water Division received a letter from the Maine Drinking Water Program. I am pleased, as I am sure you were, that the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"*.

In 2022, the City of Auburn City Council amended the Lake Auburn Watershed Overlay District, as it affected the Gracelawn Parcel. Lewiston consents to an amendment of the Lake Auburn Watershed Overlay District, provided that the Auburn Water District first amend its bylaws to exclude the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway and that, second, the Auburn Water District, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. The Auburn Water District has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the remaining issues in the present lawsuit, *City of Lewiston v. Auburn Water District, et al.*, can be settled.

Please contact me with any questions.

Sincerely,

Heather Hunter

Heather Hunter

27 Pine Street, Lewiston, ME 04240 **PHONE:** (207) 513-3121 *hhunter@lewistonmaine.gov* **LewistonMaine.gov**

Ordinance: 27-11202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment of Lake Auburn Watershed Overlay District Boundary

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the Lake Auburn Watershed Overlay District within the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Ordinance:** 28-12042023

Author: John Blais

Subject: First Reading on proposed (11) votes/text amendments applied to the Lake Auburn watershed.

Information: Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Since December of 2021, several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District have been proposed. These amendments include 1.) changes to the private subsurface wastewater disposal system design and site standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer widths from Lake Auburn and its tributaries and streams; and 3.) prohibiting new non-hobby agricultural farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn as Auburn and Lewiston's drinking water supply by updating subsurface wastewater disposal standards and environmental regulations to meet current best practices and modern science. A culmination of all amendments was proposed at the November 14, 2023 Planning Board meeting and had favorable recommendation from the Planning Board and recommended these go forward with the contingency that Rural Residential (1 acre minimum) zoning within the watershed be changed to Low-Density Country Residential (3 acres-minimum) and are now ready for review and vote by the city council.

These amendments have been collectively reviewed by outside subject matter experts to include former State of Maine Soil Scientist and State of Maine licensed Soil Scientist and Site Evaluator, David Rocque. University of Rhode Island, Director of the Onsite Wastewater Resource Center, Alissa Cox PhD. In addition, the Lake Auburn Water Quality Ad-Hoc Committee has reviewed and recommends the adoption of the zoning ordinance text amendments.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council discuss the proposals and issue the first vote on adoption of text **ordinance changes described in version B**.

Previous Meeting History:

December 21, 2021: city council directive to amend watershed boundary
January 2, 2022: council directs planning board to consider certain septic requirement text change

January 3, 2022: city council workshop to change boundary of watershed and change from AG to CDD
January 11, 2022: planning board workshop on amending watershed boundary
February 8, 2022: planning board public hearing on changing Gracelawn area from AGRP to GB and moving the CDD boundary to match the newly interpreted watershed boundary (favorable recommendation)
March 7, 2022: city council first reading on amending 148 Gracelawn area from AGRP to GB
March 21, 2022: city council second reading on amending a slightly reduced area in the Gracelawn area from AGRP to GB (passes)
April 12, 2022: planning board workshop and public hearing on updating subsurface wastewater (SSWW) standards (favorable recommendation contingent upon RR to LDCR zone change)
April 19, 2022: city council workshop on Lake Auburn watershed updates
May 2, 2022: city council first reading on updating SSWW standards and increasing agricultural buffer strip (favorable vote). also asks board to consider reducing housing density in the watershed
May 3, 2022: special planning board workshop to consider changing RR to LDCR in the watershed
August 9, 2022: planning board workshop on FB Environmental Report
August 9, 2022: City Clerk verifies signatures on petition to repeal watershed boundary
August 15, 2022: city council workshop on RR to LDCR
September 6, 2022: City council repeals Ordinance 08-03072022 (watershed boundary)
October 11, 2022: planning board review text amendment to increase ag. buffer strips and update SSWW requirements (favorable recommendation)
January 17, 2023: city council directs staff to initiate prohibition on new residences and animal farms in Lake Auburn watershed also in AGRP zone
January 17, 2023: city council directs planning board to consider that no future SSWW systems be allowed within 300 feet of Lake Auburn
September 18, 2023: DWP Potential Boundary wrote favorable letter for new line by Maine Drinking Water
September 26, 2023: Oct 10, 2023, PB workshop, Oct. 16, 2023 CC workshop, Lake Auburn Water Quality Ad-Hoc Committee issues memo recommending AWSD and LWD forward new boundary to DWP, October 17, 2023, URI makes recommendation on peer review to staff, October 17, 2023. November 14, PB public hearing.
November 20, 2023: Passage of first reading.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Proposed Ordinance changes Version B, planning board motion, planning board staff report (text amendments) DWP memo, LWD memo, Lewiston memo, City of Auburn Memo, Letter from Heather Hunter, Lewiston Administrator, Vote sheet language for CC.

Vote Sheet Language for City Council November 20, 2023

City Council Suggested Motion B (Staff and Legal Counsel Recommended):

a. I make a motion to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown.

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

b. I make a motion to amend Sec. 60-951 (a)-Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown.

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater Ddistrict on file in the office of the Auburncity Wwater Ddistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

c. I make a motion to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown below.

Sec. 60-951. Boundaries and definitions.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

d. I make a motion to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown.

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

e. I make a motion to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

Sec. 60-952. Use and environmental regulations.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs. ~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

f. I make a motion to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

g. I make a motion to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

Sec. 60-952. Use and environmental regulations.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~

h. I make a motion to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown.

Sec. 60-952. Use and environmental regulations.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburnsity Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

i. I make a motion to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting original section 60-952 (f) (5) as shown.

Sec. 60-952. Use and environmental regulations.

(f) *Private subsurface wastewatersewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-2 of the state plumbing code, part II (April 25, 1975), nN~~o new disposal field/subsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(7~~3~~) The Auburn ~~city~~ Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require the abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(8~~4~~) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to amend Sec. 60-1065 to clarify the text as shown.

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5, 7)

k. I make a motion to amend Sec. 60-1237 to clarify the text as shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ Wwater Ddistrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Wwater Ddistrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Planning Board Recommendation to City Council on proposed ordinance text changes within the Lake Auburn Watershed Overlay District
Date: 11/20/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

Public Hearing/ Text Amendment: Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to non-hobby agricultural uses, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown in section 6a of the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)- Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown in section 6 b of the staff report dated November 14th, 2023". **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown in Section C of the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown in section 6d of the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown in section 6e on page 9 of 12 in the staff report dated November 14, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown in section 6f beginning on page 9 of 12 and ending on page 10 of 12 in the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown in section 6g on page 10 of 12 in the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown in section 6h on page 10 of 12 in the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)- private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set of design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of the overseeing agencies; and deleting original section 60-952 (f) (5) as shown in section 6i beginning on page 10 of 12 and ending on page 11 of 12 of the staff report dated November 14th 2023."

MOTION: Evan Cyr offers an amendment to the motion; **SECOND:** David Trask seconds.

"I would like to make a motion to amend the motion to state that the favorable recommendation be contingent upon council's adoption of a density standard within the residential portion of the watershed not to exceed 1 unit per 3 acres." **VOTE:** 7-0-0 amendment to the motion passes.

VOTE: 6-1-0 the motion as amended passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown in section 6j beginning on page 11 of 12 and ending on page 12 of 12 of the staff report dated November 14th, 2023." **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds.

"I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text ass shown: in section 6k on page 12 of 12 of the staff report dated November 15, 2023." **VOTE:** 7-0-0 motion passes.

City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Date: November 14, 2023

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on proposed ordinance text changes within the Lake Auburn Watershed Overlay District

I. **Public Hearing/ Text Amendment:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. **Background:** Since January 2022, several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District have been proposed. These amendments include 1.) changes to the private subsurface wastewater disposal system design and site standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer widths from Lake Auburn and its tributaries and streams; and 3.) prohibiting new non-hobby animal farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn as Auburn and Lewiston's drinking water supply by updating subsurface wastewater disposal standards and environmental regulations to meet current best practices and modern science. All amendments were proposed at various stages but are now ready for review and recommendation by the planning board with ultimate approval by the city council.

These amendments have been collectively reviewed by outside subject matter experts to include former State of Maine Soil Scientist and State of Maine licensed Soil Scientist and Site Evaluator, David Rocque. University of Rhode Island, Director of the Onsite Wastewater Resource Center, Alissa Cox PhD. In addition, the Lake Auburn Water Quality Ad-Hoc Committee has reviewed and recommends the adoption of the zoning amendments.

For reference, below is the relevant meetings to this point have been listed below:

Previous Meetings and Actions:

- **Jan. 3, 2022**—Council directs planning board to maintain requirement of 36 inches above limiting factor for septic systems while allowing updating septic design to meet state standards.
- **Apr. 12, 2022**—Planning Board Workshop and Public Hearing on updating Sec. 60-952(f) (1-5) and (c) subsurface wastewater systems in the Lake Auburn watershed. Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn watershed.
- **April 19, 2022**—City council workshop on Lake Auburn watershed ordinance updates.

- **May 2, 2022**—City council first reading: updating Ch. 60, Article XII, Division 4, Sec. 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems in the Lake Auburn Watershed. Favorable vote.
- **Aug. 9, 2022—**Planning board workshop on FB Environmental Report on updating Sec. 60-952 (f) (1-5) for subsurface wastewater systems.
- **Oct. 11, 2022**—Planning board review of text amendment to Ch. 60, Article XVII, Div. 4, Sec. 60-952(c) agricultural buffer strip and (f) (1-5) private sewage disposal systems.
- **Jan. 17, 2023**—City council directs staff to prepare ordinance text and map Amendment to prohibit any future residential structures and limit or prohibit animal farms in the Lake Auburn Watershed in the AGRP zone.
- **Jan. 17, 2023—**City council directs Planning Board to provide a recommendation for a zoning amendment that will prohibit any future subsurface wastewater disposal within 300' of Lake Auburn.
- **Sept. 26, 2023—**Lake Auburn Watershed Ad-Hoc Committee issues memo to recommend that zoning text amendments pertaining to animal farms, agriculture buffer strips, and septic system standards and map amendments to the Lake Auburn Watershed Overlay District and changing the Rural Residence District to the Low-Density Country Residence District within the Lake Auburn Watershed Overlay District. This memo was included in the materials for the October Planning Board and City Council meetings.
- **Oct. 10, 2023**—Planning Board workshop on text amendments concerning septic system design standards, banning commercial agriculture in the Lake Auburn Watershed, increasing width agricultural buffer strips abutting Lake Auburn and its tributaries.
- **Oct. 16, 2023—**City Council workshop on text amendments concerning septic system design standards, banning commercial agriculture in the Lake Auburn Watershed, increasing width agricultural buffer strips abutting Lake Auburn and its tributaries.

Staff has provided the Planning Board with two versions of Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District. The first is titled "**VERSION A (per 10/10/23 Pl Bd Workshop)**" the yellow highlighted text in Version A was recommended by the Ad Hoc Committee. The second is titled "**VERSION B (with Additional Staff/Legal Suggested Changes highlighted in yellow).**" Below is a summary of the changes in the attached proposed text amendment, and name where each proposed change originated. There are asterisks (*) on changes that have been suggested since the October Workshop by legal counsel, and two asterisks (**) on changes which have been suggested by the planning board.

To capture the Planning Board's preference and to receive appropriate feedback specific to each proposed text change, below we include two motions, Motion A and Motion B, each with several separate recommended motions which will together constitute the entire text amendment which is the subject of this agenda item. This will allow the Board and the public to discuss and form a recommendation on each component of the proposed changes individually. It should be noted that some of the changes rely on other changes to achieve the desired outcome of less development at a higher standard for the protection of Lake Auburn (Example: SSWW Disposal standards and change in density to reduce buildable lot potential).

Summary of Ordinance Text Changes:

1. Minor edits to clarify meaning made to Sec. 60-950. *(Edits suggested by legal counsel for clarity).*
2. Add Sec. 60-951 "(a) Boundaries", make minor edits to clarify meaning. *(Edits made by legal counsel for clarity).*
3. Add Sec. 60-951" (b) Definitions" and under this section, add the definition of "curtain drain," "hobby agricultural use," "Lake Auburn Watershed Protection Commission or LAWPC", (*) "non-hobby agricultural use," "soil horizon," "soil horizon, limiting or limiting soil horizon," "soil

profile," "soil filter media", (*) and soil filter media specifications". (*) *(Edits matching language it the State Plumbing Code made for specificity by legal counsel).*

4. Amend Sec. 60-952(a) to state that as of January 1, 2024, non-hobby farms are not permitted, and hobby farms require review from the LAWPC Watershed Manager and notification to the code enforcement officer. *(Introduced by the city council).*
5. Amend Sec. 60-952(b) to prohibit new dwelling units in the Lake Auburn Watershed Overlay District siting state law which may occasionally be amended. *(Language edit for clarity suggested by legal counsel, it should be noted, however, that the planning board and city council already took favorable action on this item's content.)*
6. Amend Sec. 60-952(c) so that agricultural buffer strips become 100 feet wide instead of 50 feet wide and specify that applicable perennial or tributary streams should be identified on a 7.5-minute series USGS topographic map, dated 1981. *(City council introduced this item and has had first reading).*
7. Amend Sec. 60-953(d) to prohibit any spreading of sludge and specify that manure spreading shall be in conformance with the then-current edition of the Maine Dept. of Agriculture Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal. *(Edit made by legal counsel to reflect existing environmental guidelines and practices.)*
8. Make minor edits to add specificity and clarify meaning in Sec. 60-952(e)(2) and (3). *(Introduced by legal counsel to add clarity.)*
9. Amend Sec. 60-952(f) substituting "sewage" with "subsurface wastewater." Under this section, also amend 60-952(f)(1) private subsurface wastewater disposal system design to specify that there must be at least 36 inches separation between the bottom of the disposal field and the limiting soil horizon and allows for 24 inches of this material be natural or fill; a change from the current ordinance. (*) *(Introduced by the city council with favorable recommendation made by the planning board.)*
10. Amend Sec. 60-952(f)(2) from requiring 300 feet between any new septic field to the high-water line of a stream, tributary, or outlet of Lake Auburn to requiring 400 feet separation. *(Introduced by the city council.)*
11. Add Sec. 60-952(f)(3) stating that all new or replacement systems must meet the above criteria or be designed in consultation with Auburn Water District or its designer (*). *(Introduced by legal counsel to add clarity.)*
12. Add Sec. 60-952(f)(4) that all replacement or new systems shall have either a curtain drain or a diversion ditch and that the design is signed off on by a site evaluator. *(Introduced by the city council.)*
13. Add Sec. 60-952(f)(5) which requires that all new and replacement systems be located on the same lot as the dwelling unit being served, or that in the case of an existing home, the applicant can prove to the plumbing inspector that it is physically impossible to have the septic system on the same lot. *(Introduced by the city council.)*
14. Add Sec. 60-952(f)(6) which requires that systems in the Lake Auburn Watershed Overlay District be inspected by LAWPC or its designee every five years (*). *(Introduced by the planning board).*
15. Make minor edits to clarify wording made to Sec. 60-952(f)(7) (*). *(Introduced by legal counsel to add clarity).*
16. Make grammatical edits to Sec. 60-952(f)(8). (*) *(Introduced by legal counsel.)*
17. Eliminate Sec. 60-952(f)(5) which exempts systems in existence since 1983 from meeting the provisions of this section.
18. Make grammatical edits made to Sec. 60-1237. *(Introduced by legal counsel.)*
19. Add clarifying wording to Sec. 60-1065- Definitions.

III. Department Review:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments

- Airport – No Comments

IV. Planning Board Action: This proposed text amendment involves several parts, so staff has suggested a public hearing and motions to break up this agenda item into multiple sections for comments on each component. The staff has provided a series of recommended motions for the planning board forward to council. These motions will together constitute the favorable recommendation to amend Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District. Staff recommends Version B with final legal advice and clarifications included but has included Version A below for transparency and to give the Board options.

V. Potential Motion A:

a. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown:

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

b. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)-Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown:

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

c. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown below:

Sec. 60-951. Boundaries and definitions.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, Town of Turner, and Town of Minot/Hebron/Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

d. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown:

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

e. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

Sec. 60-952. Use and environmental regulations.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.~~ Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

f. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

g. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

Sec. 60-952. Use and environmental regulations.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

h. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown:

Sec. 60-952. Use and environmental regulations.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Dedistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburncity Wwater Dedistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

i. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting section 60-952 (f) (5) as shown.

Sec. 60-952. Use and environmental regulations.

(f) *Private subsurface wastewatersewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

(1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), nNo new disposal fieldsubsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.

(73) The Auburn ~~city~~ W~~w~~ater D~~d~~istrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(84) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ W~~w~~ater D~~d~~istrict.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown.

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5-7B)

k. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text ass shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

VI. Suggested Motion B (Staff and Legal Counsel Recommended):

a. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown:

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

b. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)-Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown:

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

c. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown below:

Sec. 60-951. Boundaries and definitions.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

d. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown:

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

e. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

Sec. 60-952. Use and environmental regulations.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs. ~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

f. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

g. I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown:

Sec. 60-952. Use and environmental regulations.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

h. I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown:

Sec. 60-952. Use and environmental regulations.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

i. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting section 60-952 (f) (5) as shown:

Sec. 60-952. Use and environmental regulations.

(f) *Private subsurface wastewatersewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

(1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), nNo new disposal fieldsubsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(73) The Auburn city Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.

(84) The local plumbing inspector shall furnish a copy of all site investigation evaluation reports in the Lake Auburn Watershed Overlay District to the Auburncity Wwater Ddistrict or its designee.

(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.

j. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown:

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.5-7B)

k. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text as shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries*. The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions*. For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, Town of Turner, and Town of Minot/Hebron/Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District~~ on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine~~

~~Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.

(7~~3~~) The Auburn ~~city~~ W~~w~~ater D~~d~~istrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(8~~4~~) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ W~~w~~ater D~~d~~istrict.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

● ● ●

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

● ● ●

DIVISION 2. PHOSPHORUS CONTROL

● ● ●

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

● ● ●

ARTICLE XV. BOARD OF APPEALS

● ● ●

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

VERSION B (with Addt'l Staff Suggested Changes highlighted in yellow)

Prepared for November 14, 2023 Planning Board Meeting

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries*. The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions*. For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement

system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(~~7~~3) The Auburn ~~city~~ W~~w~~ater D~~d~~istrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(~~8~~4) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ W~~w~~ater D~~d~~istrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

● ● ●

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

● ● ●

DIVISION 2. PHOSPHORUS CONTROL

● ● ●

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

● ● ●

ARTICLE XV. BOARD OF APPEALS

● ● ●

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also

impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

(207) 784-6469

FAX (207) 784-6460

AUBURN WATER DISTRICT

MEMBER MAINE WATER UTILITIES ASSOCIATION

268 COURT ST. - P.O. BOX 414

AUBURN, MAINE 04212-0414

Susan Breau
Maine CDC Drinking Water Program
11 State House Station
286 Water Street
Augusta, Me 04333-0011

November 1, 2023

Subject: Review of Ordinance Revisions and improved Lake Protections

Susan,

In an effort to strengthen Lake protections, the Auburn Water District has formed the "Lake Auburn Water Quality Ad-Hoc Committee". This Committee is made up of representatives appointed from the Auburn Water District, City of Lewiston Water Division, City of Auburn Planning and Permitting, and representatives of the Lake Auburn Watershed Protection Commission. The Committee was charged with the task of reviewing and advising changes to any watershed related ordinances. These recommendations were based on several science-based recommendations made by FB Environmental, Comprehensive Environmental, Inc and CDM Smith. The recommendations represent text amendments to the Lake Auburn Watershed Overlay District within the City of Auburn. Attached for your reference are the amendments that the collective group believes will strengthen Lake protections, reduce development, and lessen the impacts of sub-surface waste systems on Lake Auburn.

Attached with this letter is the memo signed by all members of the Committee present at the last meeting on September 26, indicating agreement on the following actions:

- Re-delineation of the Watershed Boundary as approved by the DWP.
- Increasing lot size requirements from 1-acre residential areas to 3-acre residential area minimums.
- The Committee further recommends that the Stake Holders represented on the Committee draft and execute an engagement with the Upper watershed towns to explore application of improved watershed protections in those towns.

The Ad-hoc committee unanimously agreed to endorse the currently proposed changes to the Auburn Watershed Overlay District. The draft changes as of September 26 are attached to our enclosed memo of that date. The City of Auburn has recently provided 2 further drafts for public hearing, versions A and Version B are both enclosed with this Letter.

The City of Auburn's current schedule is, 11/14 Planning Board review, 11/20 City Council First Reading and 12/4 City Council Public Hearing and 2nd reading. The ad hoc committee was in agreement that

these drafts should be forwarded to the Maine DWP to allow your review of the proposed changes, in case there was follow up necessary from your office.

Our organizations continue to be engaged in working together toward necessary watershed protections, we welcome your input on these measures. If you have comments or suggestions, we welcome those in this process.

Sincerely;

Michael Broadbent
Superintendent
Auburn Water and Sewer District

Cc Kevin Gagne, Eric Cousens, Camilla Parrish

Lake Auburn Water Quality Ad-Hoc Committee

MEMO

To: Auburn Water District, Lewiston Water Division

From: The desk of the Lake Auburn Water Quality Ad-Hoc Committee

Date: 9.26.23

Subject: Lake Auburn Watershed Overlay District Text and Map Amendments

The Lake Auburn Water Quality Ad-Hoc Committee has reviewed the following documents and recommends the adoption of zoning amendments for the protection of Lake Auburn. The attached text and map amendments have been reviewed, and consensus has been reached to support the changes based on peer-reviewed science. The Ad Hoc Committee recommends that the Auburn Water District and Lewiston Water Division forward the proposed changes to the Maine Drinking Water Program for review. The Committee further recommends that the Stakeholders represented on the Committee plan and execute an engagement with upper watershed towns to explore application of improved watershed protections in those towns, with legal advice on the authority of Auburn Water District to implement watershed protections.

The Summary of Changes Include:

1.) Proposed zoning text amendments, Sec 60-950 through 1065 (Exhibit A)
2.) Proposed Lake Auburn Watershed Boundary, As recommended by the Maine DWP (Exhibit B)
3.) Map Amendment; Changing 1-acre residential areas (Rural Residential) to 3-acres residential areas minimums (Low-Density Country Residential).

Committee Members:

Kevin Gagne

Mike Broadbent

Eric Cousens

Tracy J. Roy

Steve Milks

Rick R. LaChapelle

Alan Holbrook

John Blais

N/A
Matthew Waite

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater District on file in the office of the Auburncity Wwater District, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, and Town of Turner, minot / Hebron / Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or limiting soil horizon means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) ***Agricultural uses.*** ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) ***Residential dwellings in the agriculture and resource protection zoning district.*** **Notwithstanding** the provisions of Secs ~~subsections~~ **60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),** new ~~one-family detached~~ **dwellings** units **are** ~~only permitted~~ prohibited **in the Lake Auburn Watershed** Overlay **District** ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) ***Agricultural buffer strip.*** **Where land adjoining Lake Auburn or its perennial tributaries** ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981)~~ **is tilled for agricultural purposes, an untilled buffer strip** 100~~50~~ **feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.**

(d) ***~~Municipal and m~~Manure and sludge disposal.*** ~~All s~~**Spreading and disposal of** ~~municipal~~ **sludge** ~~is prohibited. shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ **All spreading and disposal of manure shall be accomplished in conformance with** the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface ~~wastewater~~sewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981)~~. Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R.

ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District shall be inspected by LAWPC, or its designee, every 5 years or at the time that a property sold, whichever date is sooner.

(73) **The Auburn ~~city~~ Wwater Deistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.**

(84) **The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Deistrict.**

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

• • •

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

• • •

DIVISION 2. PHOSPHORUS CONTROL

• • •

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

• • •

ARTICLE XV. BOARD OF APPEALS

• • •

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ Wwater Ddistrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Wwater Ddistrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation, Gracelawn Parcel area, Auburn, ME

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"* (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

The DWP agrees with the CDM Smith finding that the "DWP Potential Boundary" on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report's recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the "Main Pit Area" into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).

- Investigate further and provide an explanation of the apparent "upward head gradients, i.e., groundwater flow into the lake" in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith *Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission* memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:

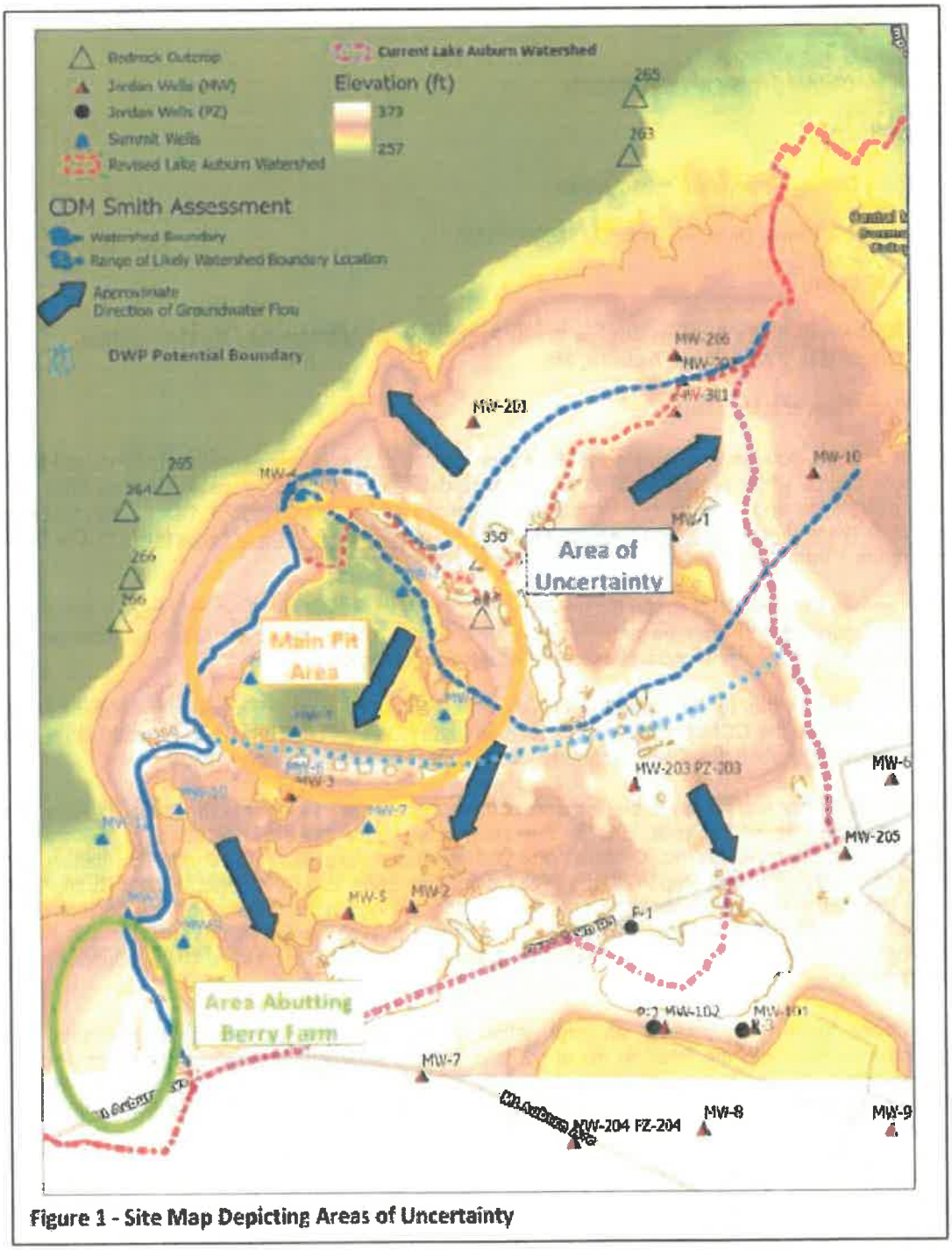


Figure 1 - Site Map Depicting Areas of Uncertainty

Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

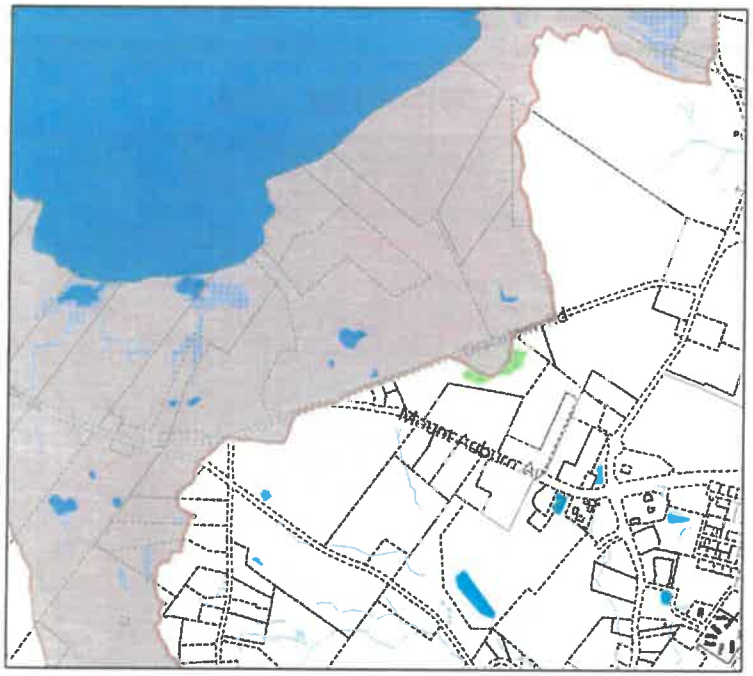
Sincerely,

Susan F. Breau

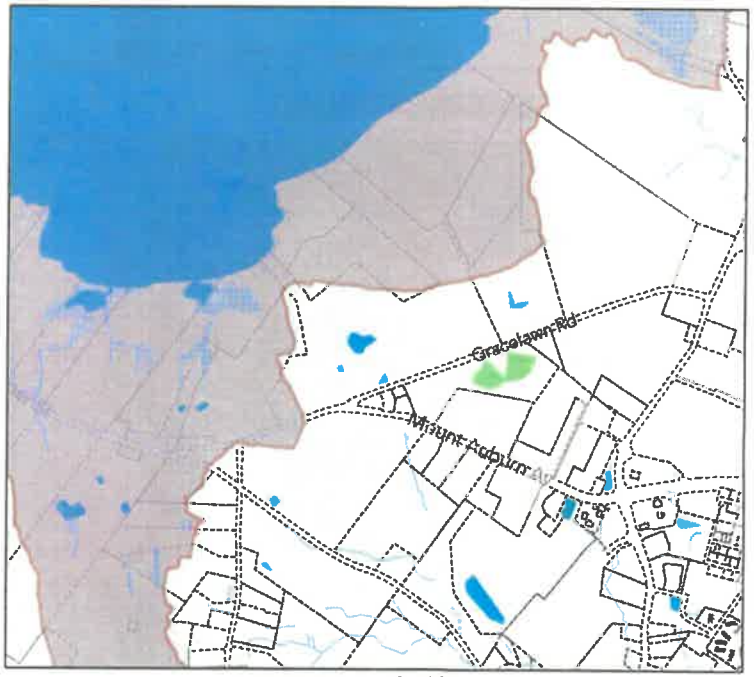
Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

ec Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file

Proposed Auburn Watershed Boundary



Current Boundary



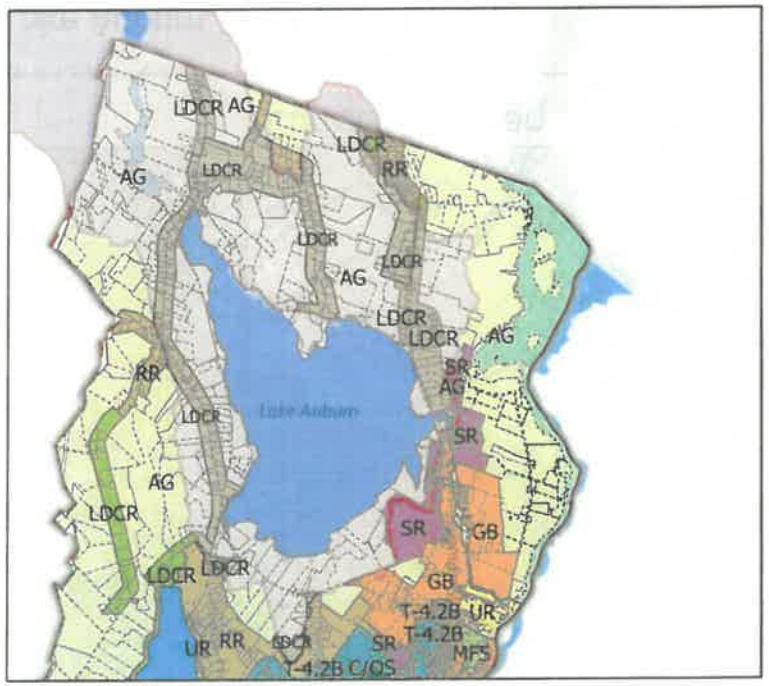
Proposed Change

Lake Auburn Watershed Boundary

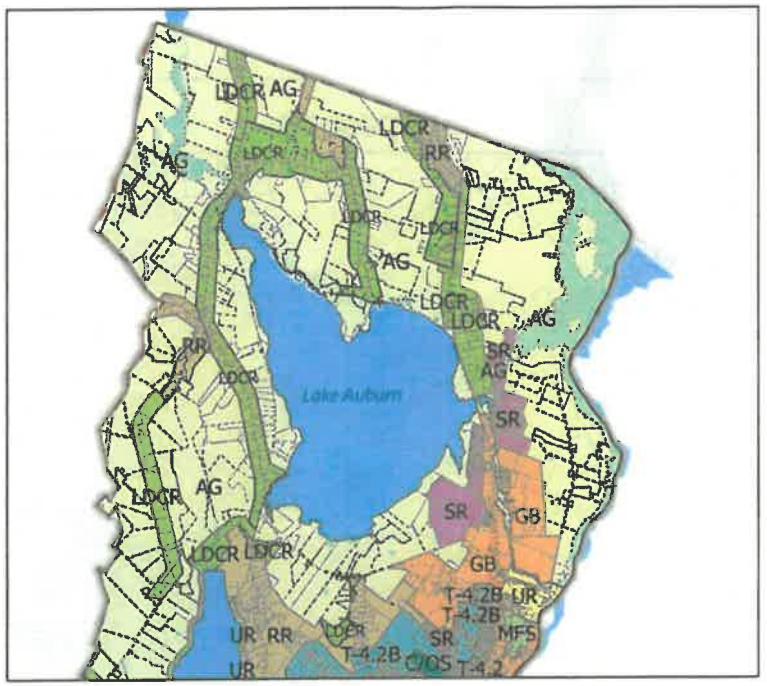
Parcels

auburnmaine.gov

Proposed Zoning



With Watershed

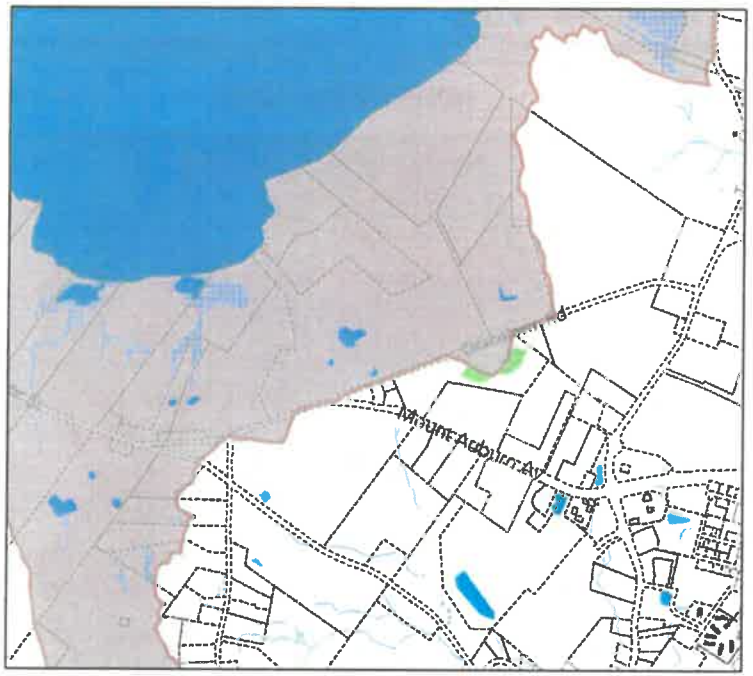


Without Watershed

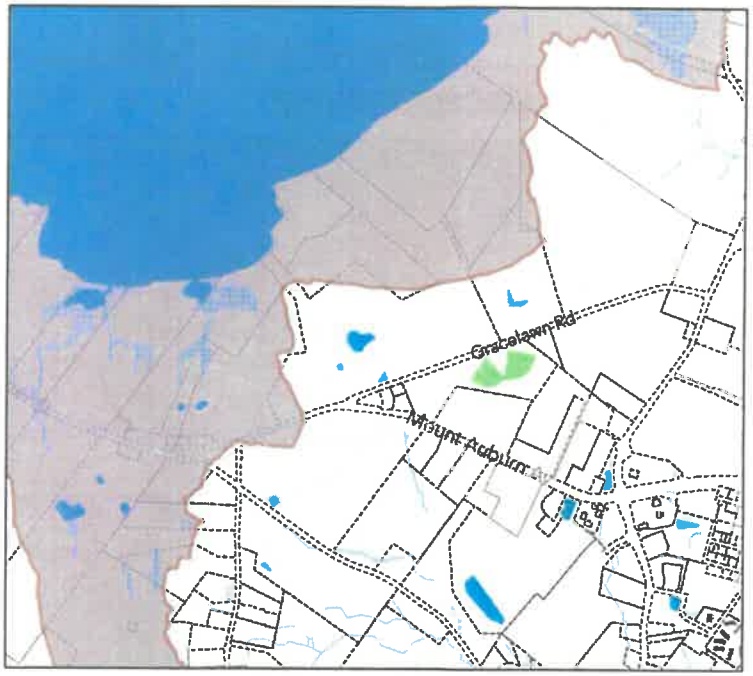
- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels
- Lake Auburn Watershed

auburnmaine.gov

Proposed Auburn Watershed Boundary



Current Boundary



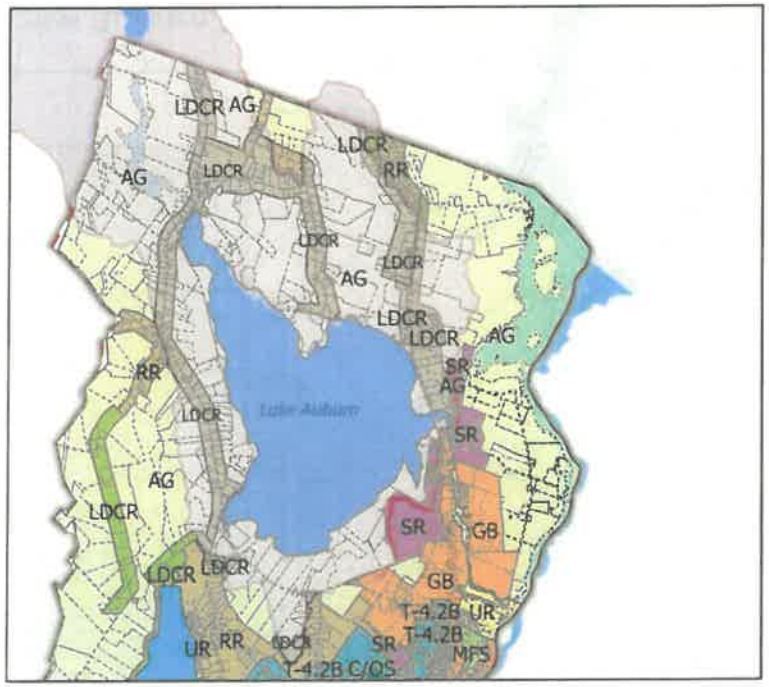
Proposed Change

Lake Auburn Watershed Boundary

Parcels

auburnmaine.gov

Proposed Zoning



With Watershed

Without Watershed

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels
- Lake Auburn Watershed

auburnmaine.gov

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater Ddistrict on file in the office of the Auburncity Wwater Ddistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, Town of Turner, and Town of Minot/Hebron/Buckfield.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine~~

~~Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.

(73) The Auburn ~~city~~ Wwater Ddistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(84) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

• • •

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

• • •

DIVISION 2. PHOSPHORUS CONTROL

• • •

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

• • •

ARTICLE XV. BOARD OF APPEALS

• • •

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

VERSION B (with Addt'l Staff Suggested Changes highlighted in yellow)

Prepared for November 14, 2023 Planning Board Meeting

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn~~city~~ W~~w~~ater D~~d~~istrict on file in the office of the Auburn~~city~~ W~~w~~ater D~~d~~istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs.~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.~~ Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn W~~w~~ater D~~d~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn~~city~~ W~~w~~ater D~~d~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement

system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(~~7~~3) The Auburn ~~city~~ Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(84) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

Sec. 60-953. Dimensional regulations; building setbacks.

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

• • •

ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

• • •

DIVISION 2. PHOSPHORUS CONTROL

• • •

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

• • •

ARTICLE XV. BOARD OF APPEALS

• • •

DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also

impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

LEWISTON ME

Administration

Re: Settlement Offer via Electronic Mail

Phil,

I write to attempt to resolve any remaining differences regarding Lake Auburn water quality among the City of Lewiston, the City of Auburn, and the Auburn Water District. Optimistically, I believe that the three entities are quite close, after an exchange of emails and a successful conference by the three entities' attorneys. Of the handful of issues remaining, the most significant (and pressing) is the process by which Auburn adopts proposed ordinances regarding the Lake Auburn Watershed and the Lake Auburn Watershed Overlay District.

As you know, Mike Broadbent coordinated a Lake Auburn Water Quality Ad-Hoc Committee, the members of which included an Auburn Councilor and multiple staff from each of our cities. Auburn planning staff drafted the enclosed memo, signed by all Auburn and Lewiston representatives, which included the following: the "Ad Hoc Committee recommends that the Auburn Water District and Lewiston Water Division forward the proposed [ordinance] changes to the Maine Drinking Water Program for review." Lewiston relies on this provision of the agreement for its further comments. Auburn Water District has taken the position that this language simply requires notice. On October 24, 2023, Sally Daggett was clear that Auburn staff plan to move forward before the new Council is sworn in.

On October 25, 2023, through counsel, Lewiston requested that the City of Auburn delay the adoption of the proposed ordinances to allow enough time for the Drinking Water Program to meaningfully consider each proposed ordinance change and to respond to the proposed change. (See enclosed.) Auburn has not responded to the request. On November 1, 2023, John Blais wrote the Maine Drinking Water Program giving notice that the Council is expected to conduct a second reading on December 4, 2023. This is the timeline that you emailed Auburn Councilors before September 26, 2023.

Lewiston shared its positions on the outstanding items with the City of Auburn and Auburn Water District through lawyers but given the importance of these matters to our communities, I wanted to reach out directly. Lewiston is open to changed zoning and land use around Lake Auburn, so long as the water quality is maintained or improved. Changes in zoning and land use should be vetted by peer-reviewed science and implemented only after they are agreed upon by the AWD and LWD licensed operators, approved by the regulators, and adopted within the legal structures that govern the relationships around Lake Auburn. **Lewiston is prepared to support the proposed ordinances, as drafted[1], <u>if Auburn</u>**

[1] One provision of the proposed ordinance needs more clarity. Lewiston agrees that replacement systems, particularly the replacement of septic tanks currently serving existing homes, may be unable to meet the new septic standards in sec. 60-952(f)(1). However, the language "site-specific circumstances" is too vague and broad to describe that narrow circumstance.

observes a process that allows enough time for the Drinking Water Program to meaningfully consider each proposed ordinance change and to respond.

I hope Auburn sees this offer as intended; Lewiston respects Auburn's home-rule authority but, given the high stakes (potential loss of waiver), needs to ensure that the recommendation drafted by Auburn staff and signed by an Auburn Councilor has meaning. As such, it requests that Auburn allow enough time for the Drinking Water Program to meaningfully consider each proposed ordinance change and to respond to the proposed change. While my Council and I seek agreement, the lawsuit was filed due to the enormous stakes that could follow an ill-considered ordinance (as you know, if the waiver is lost, Auburn's consultant estimated that total annualized costs of construction, operation, and maintenance for a new filtration plant were $3.07 million/year).

Please contact me with any questions.

Sincerely,

Heather Hunter

ENCLOSURE

cc: Michael Broadbent, Superintendent, Auburn Water District

Ordinance: 28-11202023

City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment Rezoning Certain Land from LDRR or RR to LDCR

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map and are detailed below.

a. I make a motion to amend Sec. 60-950 adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name as shown.

Sec. 60-950. Purpose.

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

b. I make a motion to amend Sec. 60-951 (a)-Boundaries, adding the word "Overlay" to clarify the Lake Auburn Watershed Overlay District name, and changing "city water district" to "Auburn Water District" as shown.

Sec. 60-951. Boundaries and definitions.

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburncity Wwater Ddistrict on file in the office of the Auburncity Wwater Ddistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

c. I make a motion to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection*

City Council Ordinance

Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile to this section as shown below.

Sec. 60-951. Boundaries and definitions.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Curtain drain means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Lake Auburn Watershed Protection Commission or *LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or *limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

City Council Ordinance

Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

d. I make a motion to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown.

Sec. 60-952. Use and environmental regulations.

(a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.~~ Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

e. I make a motion to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

City Council Ordinance

Sec. 60-952. Use and environmental regulations.

(b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs. ~~subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new ~~one-family detached~~ dwellings units are ~~only permitted~~ prohibited in the Lake Auburn Watershed Overlay District ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses~~. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

f. I make a motion to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

Sec. 60-952. Use and environmental regulations.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

g. I make a motion to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

Sec. 60-952. Use and environmental regulations.

(d) ~~*Municipal and m*~~*Manure and sludge disposal.* ~~All s~~Spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980.~~ All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal ~~Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972~~.

h. I make a motion to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown.

Sec. 60-952. Use and environmental regulations.

City Council Ordinance

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburncity Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.

i. I make a motion to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting original section 60-952 (f) (5) as shown.

Sec. 60-952. Use and environmental regulations.

City Council Ordinance

(f) *Private subsurface wastewater~~sewage~~ disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewater~~sewage~~ disposal systems in the Lake Auburn Watershed Overlay District:

(1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.~~ Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.

(2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No new disposal field~~subsurface absorption area~~ shall be installed closer than 400~~300~~ feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater~~sewage~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

(3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

(4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.

(~~7~~3) The Auburn ~~city~~ Wwater Ddistrict or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that ~~who shall~~ require ~~the~~ abatement action by the property owner or operator ~~of such defects or malfunctions~~.

(~~8~~4) The local plumbing inspector shall furnish a copy of all site ~~investigation~~ evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn~~city~~ Wwater Ddistrict or its designee.

~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to amend Sec. 60-1065 to clarify the text as shown.

City Council Ordinance

Sec. 60-1065. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation (P) = (FC)/(D). For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

k. I make a motion to amend Sec. 60-1237 to clarify the text as shown:

Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~ variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater~~sewage~~ disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn~~city~~ W~~w~~ater D~~d~~istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn W~~w~~ater D~~d~~istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Public Hearing**

Author: Glen E. Holmes, Director of Business & Community Development

Subject: CDBG Action Plan Amendment for Program Year 2023

Information:
Each year the Business & Community Development Department presents the Annual Action Plan, detailing the use of Auburn's CDBG funds. This plan is designed to address community needs as detailed in the 5 year Consolidated Plan which was adopted in 2020.

This amendment is intended to reallocate available funds to address the identified commuinity needs outlined within the amendment. This Public Hearing will accompany a 30 day public comment period prior to the submittal of the amended plan to the U.S. Department of Housing & Urban Development.

City Budgetary Impacts:
Funds included within this budget are covered by grants provided by the U.S. Department of Housing and Urban Development. This includes projects, activities and related staff time administering programs.

Staff Recommended Action:
Hold Public Hearing.

Previous Meetings and History:
Action Plan Public Hearing February 13, 2023
Action Plan Public Comment Period April 1 - May 1st, 2023
Action Plan Adoption May 1, 2023
PRO Housing Grant Workshop October 16, 2023
PRO Housing Grant approval October 23, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
PY23 CDBG Action Plan Amendment

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
Program Year 2023
Revised ACTION PLAN and BUDGET

The City of Auburn is amending its PY23 Action Plan with the U. S. Department of Housing and Urban Development (HUD). This Action Plan revision is in response to emergent community needs described in detail below. These new CDBG funded activities still meet and advance the goals and objectives set forth in the Auburn 2020-2024 Consolidated Plan.

2020-2024 CONSOLIDATED PLAN

The City of Auburn has adopted a 2020-2024 Consolidated Plan for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program which includes both the City of Auburn and Lewiston. The Consolidated Plan identifies many community challenges, establishes priorities, and describes how Community Development resources will address these needs. Although this plan was adopted prior to Covid-19 and many housing-related crises, these amendments still meet the original four goals:

Goal 1: Provide Safe & Affordable Housing
Goal 2: Improve Infrastructure & Reduce Blight
Goal 3: Promote Economic Opportunities
Goal 4: Provide Essential Services

2023 FUNDING

Funding for the Community Development Program is derived from Community Development Block Grant and HOME Investment Partnerships Program allocations for both Auburn and Lewiston. These yearly allocations are supplemented by their respective program income derived from current loan principal paybacks expected within the program year and unspent funds carried over from previous years. Allocations are presented as indicated on our FY23 Award letter from HUD and internal reports designating available program income and available carryover funds.

Annual Community Development Block Grant Funds: The proposed budget for FFY2023 is $1,877,316 from the following sources of Community Development funds:

CDBG Allocation	$534,778
Anticipated Program Income	$200,000
Carry Over Funds	$1,251,738

DRIVERS OF CHANGE

After the adoption of the PY23 Action Plan there were three new, substantial needs identified within the city. By amending the CDBG budget the city will be better able to respond to the changing needs of the community.

a. **PAL Center Expansion:** The PAL Center is located in qualified LMI census tract and provides essential youth and family support services including teen mentoring, youth sports, clothing and hygiene products for needy families as well as most recently operating an emergency food pantry which serves over 250 families each week. The PAL center expansion project is being made possible by congressionally directed spending dollars as well as ARPA and voter approved bonding.

   The city of Auburn has received a memo from Woodard & Curran, project manager for the PAL center expansion citing previously unknown site conditions recently made known by on-site geological explorations. This letter dated November 16, 2023 detailed the identified solutions for the soil stabilization as well as an estimated budget of $575,00- $650,000.

b. **Blight & Health Hazard:** The city has identified an existing multi-unit building that has been cited as a health hazard requiring remediation by the Department of Environmental Protection. The existing income-qualified tenants will need assistance finding and attaining new housing before the building can be razed and the site decontaminated per DEP requirements. Per federal and city policy, the removal of these housing units will require a plan and investment to create a new 1-for-1 replacement of a matching amount of affordable units within the city.

c. **Winter Oaks Affordable Housing Development:** In October 2023 the City Council approved a plan and grant application to develop a sizable portion of city owned property into a mixed income housing development with a priority focus on creating homeownership opportunities for qualified LMI residents. In order to begin this work, and under the guidance of HUD CPD Notice 2023-10, the city intends to contract for the essential master planning services needed to begin surveying and engineering this development.

d. **Lead Hazard Control & Home Rehab Performance:** Current performance of the Lead Hazard Control grant and Home Rehab programs has left underutilized funds. These programs have received substantial applications. Of the 92 applications started for single-family rehab, only 10 have successfully qualified. For the 42 multi-unit investor/landlord applications in which a majority of the tenants need to income qualify only 8 have successfully qualified. These rates are driven in part by inflated construction costs but are dramatically exacerbated by federally established maximum rent rates required for all units rehabbed.

e. **Pedestrian Safety projects:** The current pedestrian safety project being completed on Library Ave had an original budget of $990,000. The current contract price for the completion of the project was only $708,000 with additional funds being utilized for project delivery costs. The remaining unencumbered funds for this activity are in excess of $200,000, which can now be reallocated to the newly identified needs.

NEW ACTIVITIES:

Funds from the existing under-utilized programs, which have been struggled to perform under the current housing market rental rate as well as a dramatic increase in contractor scarcity and material cost increase, will be reallocated to meet the growing needs of the community detailed below:

- $200,000 in Blight Remediation will be made possible by reallocating funds from the existing underutilized neighborhood challenge and public infrastructure budget. This project will cover costs associated with the federally required relocation of income-qualifying tenants from premises currently under a remediation action by the Department of Environmental Protection. After the successful relocation the remaining funds will be used as a s city match to demolish and abate environmental concerns on the site.
- $500,000 in Public Improvements for the PAL Center Expansion. Considering the recent documented site and soil conditions there is now a budget shortfall in excess of $500,000 for the completion of this project. The addition of available CDBG funds will serve to make possible the expansion of the future public services that are housed within the center and improve the impact of federal funds on qualified LMI populations served.
- $150,000 in Affordable housing development funds will make possible the completion of an environmental review and master plan development for the proposed 100 new mixed income neighborhood being developed for the city-owned property known as "Winter Oaks." This first step is essential to not only meet the city's requirement to replace the unhealthy housing being removed from another site in the city, but also to advance existing efforts and funding sources being utilized to develop new affordable housing within the city.

Budget Detail:

ACTIVITIES	PY23 Budget	Amendment	DELTA
PLANNING AND ADMDINISTRATION	$106,762.86	**$106,762.86**	**$0.00**
PROGRAM ADMINISTRATION	$85,162.86	$85,162.86	
GOODS AND SERVICES	$17,000.00	**$17,000.00**	
ECONOMIC DEVELOPMENT	$50,000.00	**$0.00**	**-$50,000.00**
AFFORDABLE HOUSING	$579,045.08	$217,045.08	**-$362,000.00**
Critical Repair LOAN PROGRAM	$400,000.00	$50,000.00	-$350,000.00
LMI LEAD Match Grants	$150,000.00		-$150,000.00
LEAD TESTING/CLEARANCE/TRAINING	$15,000.00	$3,000.00	-$12,000.00
Project Delivery Costs	$14,045.08	$14,045.08	
Winter Oaks Affordable Housing Development		$150,000.00	$150,000.00
PUBLIC IMPROVEMENTS	$1,040,000.00	$1,462,000.00	**$422,000.00**
Pedestrian Safety Projects	$990,000.00	$762,000.00	-$228,000.00
Neighborhood Challenge Grants	$35,000.00		-$35,000.00
Spot/Blight Remediation	$15,000.00	$200,000.00	$185,000.00
PAL Center Development		$500,000.00	$500,000.00
PUBLIC SERVICES	$80,032.00	$80,032.00	**$0.00**
Public Service Coordinator (50%)	$15,032.00	$15,032.00	
Recreation Scholarships	$20,000.00	$20,000.00	
Safe Voices	$20,000.00	$20,000.00	
SeniorsPlus	$25,000.00	$25,000.00	
Contingency	$10,000.00	**$0.00**	**-$10,000.00**
TOTAL EXPENDITURES	$1,865,839.95	$1,865,839.95	**$0.00**
CDBG Allocation	$534,778.00	**$534,778.00**	
CDBG Program Income	$200,000.00	**$200,000.00**	
CDBG Funds Rolled Forward	$1,251,738.86	**$1,251,738.86**	
Administrative CAP 20% Allocation and Program Income	$ 146,955.60	$ 146,955.60	
Public Services CAP 15% Allocation and Program Income	$ 113,516.70	$ 113,516.70	
Previous Year activity To-Be-Drawn Current Year	$109,200.00	$109,200.00	
TOTAL FUNDS AVAILABLE TO BUDGET	$1,877,316.86	$1,877,316.86	

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 157-12042023

Author: Mark Conrad, School Business Manager

Subject: Approval to Establish a New Curriculum Development Reserve Fund for the purpose of funding Curriculum Development materials, equipment, software, and professional development.

Information: By statute, each year school administrative units must calculate excess fund balance funds, defined as unallocated fund balance funds in excess of 9% of the operating budget, and spend those down to no more than 9% over a three-year period. Based on the audited unassigned FY 2022 fund balance, the Auburn School Department has $1,286,919 in excess funds which must be spent down over the next three years.

Based on a recommendation from the School Finance Committee, the School Committee has approved use of these excess funds for three purposes: 1) up to $500,000 for additional needs at the new High School, including but not limited to dug-outs and landscaping; 2) up to $500,000 for High School technology, and 3) to establish a Curriculum Development Reserve Fund for the purpose of funding Curriculum Development materials, equipment, software, and professional development, and transfer the remaining $286,919 in excess fund balance funds into the Curriculum Development Reserve Fund.

The Auburn School Department has made significant investments in new curriculum over the last three years, using federal ESSER grant funds, with significant improvements in student outcomes in literacy and math as a result. The new Curriculum Development Reserve Fund will enable the Auburn School Department to maintain its investment in updated curriculum in future years after the federal ESSER funds end in September 2023. Specifically, the initial transfer of funds into this Reserve Account will be used to strengthen the investment in literacy curriculum and instruction based on anticipated costs in FY 2026. The attached memo provides specific information in this regard.

City Budgetary Impacts: None

Staff Recommended Action: Approve

Previous Meetings and History: School Committee Approval on November 15, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

Auburn School Department

Memo

To: Cornelia Brown, PhD Superintendent of Schools

From: Sue Dorris, EdD Assistant Superintendent of Academic Affairs

Date: November 13, 2023

Re: Recommendation for the Establishment of a Capital Reserve Account for Curriculum

I am writing to recommend the establishment of a Capital Reserve Account for Curriculum in the amount of $286,000. This allocation is crucial to support the ongoing success and expansion of the Savvas literacy program, which has demonstrated significant positive outcomes over the past two years.

Background: The Savvas literacy program has proven to be instrumental in enhancing the reading skills of our students. We need to update this program and purchase new materials in 2026 at an anticipated cost of $286,000. Funds will be allocated as follows:

1. **Updated Teacher and Student Materials:** A portion of the funds will be utilized to acquire updated materials for both teachers and students, ensuring that the curriculum remains current and aligned with educational standards.
2. **Digital Licenses:** Investment in digital licenses will provide students with access to interactive and engaging digital resources, fostering a dynamic and adaptive learning environment.
3. **Professional Development:** Allocating funds for professional

development will enable our educators to stay abreast of the latest instructional techniques and methodologies associated with the Savvas literacy program.

4. **Program Evaluation:** A portion of the budget will be dedicated to ongoing program evaluation, allowing us to assess the effectiveness of the curriculum and make data-driven decisions for continuous improvement.

Results: The results of implementing the Savvas literacy program have been overwhelmingly positive. Notable achievements include a substantial increase in reading scores, as evidenced by the Fall Universal Screening assessment. The percentage of students scoring at a proficient level has risen by 33 percentage points, from 47% in 2020 to an impressive 80% in 2022.

Why Continue: I recommend the continuation of the Savvas literacy program due to the following compelling reasons:

1. **Increased Reading Scores:** The program has consistently demonstrated its ability to elevate reading proficiency among students.
2. **Student Engagement:** Teachers report higher levels of student engagement, indicating that the program is resonating well with our student body.
3. **Equity Across Schools:** The program promotes equity by providing all schools with access to a rigorous, research-based reading and language arts curriculum grounded in the science of reading.

Considering these accomplishments and the favorable influence on student performance, it is imperative to create a Capital Reserve Account for Curriculum. This is crucial not only for the ongoing success of the Savvas program but also to address ongoing curricular and programmatic requirements in subjects such as math, science, social studies, and other content areas. Your support in this regard is vital for the sustained progress of our students in their academic endeavors. I appreciate your consideration of this recommendation.

ORDER 157-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the School Committee to establish a Curriculum Development Reserve Fund for the purpose of funding curriculum development materials, equipment, software and professional development.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 158-12042023

Author: Liz Allen, Director of Communications & Community Engagement

Subject: Renaming of City Facilities – Officer Norman Philbrick Square

---

Information: The Mayor's Ad-Hoc Committee on the Naming of City Facilities voted in favor of recommending to council the naming of the city-owned parcel at the corner of Court Street and Great Falls Plaza (where the "Bud Form" sculpture is situated) as "**Officer Norman Philbrick Square**" (or "Philbrick Square") in honor of fallen Auburn Police Officer Norman Philbrick, who was killed in the line of duty.

Auburn Police Officer Norman Philbrick died in the line of duty on July 7, 1949. Fire crews from our sister city of Lewiston were called in to assist with a large fire. While Officer Philbrick was directing traffic, two fire trucks rounded the intersection at the same time, crushing him to death.

The force of the impact was so great that Officer Philbrick's duty weapon was bent to nearly a ninety-degree angle. Officer Philbrick's weapon is displayed at the Auburn Police Department as a reminder of the ultimate sacrifice he gave to the citizens of our city.

Officer Philbrick had served with the Auburn PD for two years. He was survived by his wife and two daughters. The city honored another fallen APD officer, Rodney "Rocky" Bonney, by naming a park in his memory. It is fitting that the city should also recognize Officer Philbrick's ultimate sacrifice. It would be very meaningful to his family members, to our community, and to the men and women of the Auburn Police Department.

City Budgetary Impacts: Funding needed for granite signage

Staff Recommended Action: As staff liaison to this committee, I wholeheartedly recommend naming this parcel in honor and in memory of Officer Norman Philbrick.

Previous Meetings and History: Ad-Hoc Committee meetings held September 19, 2023 & November 29, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn, Maine
60 Court Street | Auburn, Maine 04210
207.333.6601 | www.auburnmaine.gov

MEETING MINUTES

November 29, 2023, meeting of the Mayor's Ad Hoc Committee on the Naming of City Facilities

Present: Jason Levesque, Richard Whiting, Joe Morin, Liz Allen

PHILBRICK SQUARE: Committee voted in favor of recommending to council the naming of the city-owned parcel at the corner of Court Street and Great Falls Plaza (where "Bud Form" sculpture is situated) as "Officer Norman Philbrick Square" in honor of fallen Auburn Police Officer Norman Philbrick, who was killed in the line of duty.

Liz submitted a concept drawing/rendering for simple granite memorial (attached to these minutes).

Motion by Councilor Morin. Second by Councilor Whiting. All in favor.

MUSTANG ALLEY: Committee voted in favor of recommending to council the naming of the (currently unnamed) access road in front of Norway Savings Bank Arena (that connects to TJ Maxx plaza) in honor of CMCC: "**Mustang Alley.**"

Liz submitted a concept drawing/rendering for the street sign (attached to these minutes). Actual placement will be at the discretion of Auburn Public Works and in accordance with city ordinance and the MUTCD (Manual on Uniform Traffic Control Devices).

Motion by Councilor Whiting. Second by Councilor Morin. All in favor.

UPPER & LOWER PETTENGILL SOFTBALL FIELDS: The committee discussed and voted in favor of recommending to council the renaming of the Pettengill Park softball fields as follows:

The upper softball field would be renamed as the "Joseph Walker Memorial Field" ("Walker Field"). And the lower softball field would be renamed as the "Tricia Asselin Memorial Field" ("Asselin Field").

Motion by Councilor Morin. Second by Councilor Whiting. All in favor.

ORDER 158-12042023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the naming of the city-owned parcel at the corner of Court Street and Great Falls Plaza (where the "Bud Form" sculpture is situated) as "Officer Norman Philbrick Square" (or "Philbrick Square") in honor of fallen Auburn Police Officer Norman Philbrick, who was killed in the line of duty.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 159-12042023

Author: Liz Allen, Director of Communications & Community Engagement

Subject: Renaming of City Facilities – "Mustang Alley"

Information: The Mayor's Ad-Hoc Committee on the Naming of City Facilities voted in favor of recommending to council the naming of the (currently unnamed) access road in front of Norway Savings Bank Arena (that connects to TJ Maxx plaza) "**Mustang Alley**" in honor of the Central Maine Community College Mustangs.

The student athletes of the CMCC athletic program bring great pride to our community, with their commitment to excellence in their respective sports, and their dedication to helping others and strengthening our community. The Mustangs represent one of the most respected athletic departments in New England, and the committee feels that this naming opportunity will be a great way to recognize the Mustangs and all they bring to our city

---

City Budgetary Impacts: Minimal.

Staff Recommended Action: Staff liaison to the committee recommends approval.

Previous Meetings and History: Ad-Hoc Committee meetings held August 14, 2023, September 19, 2023 & November 29, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 159-12042023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the naming of the (currently unnamed) access road in front of Norway Savings Bank Arena (that connects to TJ Maxx plaza) "Mustang Alley" in honor of the Central Maine Community College Mustangs.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 160-12042023

Author: Liz Allen, Director of Communications & Community Engagement

Subject: Renaming of City Facilities – "Joseph 'Joe' Walker Memorial Field" & "Tricia Asselin Memorial Field"

Information: The committee discussed and voted in favor of recommending to council the renaming of the Pettengill Park softball fields in honor of two Auburn residents who were killed in the recent tragedy in Lewiston.

The committee recomments renaming the upper softball field as the **"Joseph 'Joe' Walker Memorial Field" ("Walker Field")**, and the lower softball field as the **"Tricia Asselin Memorial Field" ("Asselin Field").**

Both Walker and Asselin were deeply involved in Auburn's softball community, and to honor them with the renaming of fields that they both knew well and loved would be fitting. Our sincere hope would be that this gesture would not only bring comfort to their families, but also establish a lasting memorial to their legacies.

City Budgetary Impacts: Park signage.

Staff Recommended Action: Staff liaison to the committee recommends approval.

Previous Meetings and History: Ad-Hoc Committee meeting held November 29, 2023.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 160-12042023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the renaming of the upper Pettengill Park softball field to the Joseph 'Joe' Walker Memorial Field" ("Walker Field"), in honor of Joe who was killed in the recent tragedy in Lewiston.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 161-12042023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the renaming of the lower Pettengill Park softball field as the "Tricia Asselin Memorial Field" ("Asselin Field"), in honor of Tricia who was killed in the recent tragedy in Lewiston.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 162-12042023

Author: Eric J. Cousens/John Blais, Planning and Permitting Director & Deputy

Subject: 87 Mill Street Garage Removal and Replacement for Riverside Trail Access – Comprehensive Plan Implementation Funding.

Information: In 2012 Rolly's (R&K Properties LLC) acquired a piece of Parcel 221-074 from the City of Auburn to construct an addition to the restaurant in exchange for giving the City a piece of Parcel 221-076 that would allow for the future construction of a trail along the Little Androscoggin River that connects from South Main Street to Anniversary Park(see attached property map). Part of that agreement was to demolish the rear portion of the garage that now sits on the land acquired by the City. The garage was built in two sections and the demolition of the rear portion is technically possible, but we have determined through contractors estimates that it will cost significantly more than demolishing the entire structure and replacing the portion retained by R&K Properties LLC. Removal and repair of the rear wall was promised to the property owner and has taken some time to work out the details. The existing building has been used primarily for community storage and personal storage and the owner has prioritized community storage of seasonal decorations and the Marshall Popcorn Truck.

We are ready to remove the structure and the property owner is open to replacement of a structure of a similar size to match the existing front portion of the building in the approximately same location. We have demolition cost estimates that are dependent on timing during the off season this fall/winter for $30,000. We are working on finalizing an updated budget and building specification for the replacement structure and expect to have agreements with the owner and budget pricing soon. Completion of this project is required to complete previous agreements with the owner and is the most cost-effective way to create access for the trail and eliminate the deteriorating rear portion of the structure. We have CDBG and demolition funding to complete the demolition already appropriated. We need the Council to approve expending available Comprehensive Plan implementation funds for the replacement structure in order to move this forward.

Staff has prepared estimates and reviewed the preliminary design with the landowner (Ken Blais) and will balance the desire to minimize costs with the goals of creating an attractive, flexible use structure that can continue to meet the private and community needs that the existing structure has served.

City Budgetary Impacts: Demolition ($30,000)and Replacement Costs ($160,767.50).

Staff Recommended Action: Staff recommends that the Council discuss the proposal and vote to considering allocating funds – (Comprehensive Plan Implementation Funding) up to $160,767.50 for the replacement structure for R&K Properties LLC (PID 221-074).

Previous Meetings and History: 2012 Property swap approval, Council Workshop November 20th, 2023

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Map, Property Swap approval 2012, Comprehensive plan excerpts, Sketch Phase Estimate

87 Mill Street Property Map – Demolition and replacement of garage

Red Box/X indicates garage location. In 2012 Rolly's (R&K Properties LLC) acquired a piece of Parce 221-074 from the City of Auburn to construct an addition to the restaurant in exchange for giving the City a piece of Parcel 221-076 that would allow for the future construction of a trail along the Little Androscoggin River that connects from South Main Street to Anniversary Park. Part of that agreement was to demolish the rear portion of the garage that now sits on the land acquired by the City. The garage was built in two sections and the demolition of the rear portion is technically possible, but we have determined through contractors estimates that it will cost significantly more than demolishing the entire structure and replacing the portion owned by R&K Properties LLC.

Comprehensive Plan Excerpts

2021 Recreation Chapter Strategies:

Strategy E.1.2.b: Support the connection of local recreational facilities along the Androscoggin River with riverfront facilities in other communities, such as the Androscoggin Riverlands and Lewiston.

Strategy E.1.2.c: Identify and develop new land and water access points that create connectivity with the Androscoggin and Little Androscoggin Rivers and surrounding recreational opportunities. Utilize public and private resources to mitigate financial, recreational, and cultural impacts.

New Auburn Master Plan Strategies

Recreation Objective B: Encourage LA Trails' efforts to create a trail system, where feasible, within the "greenbelt" linking the open spaces to the sidewalk network and major destinations such as schools and the business district (see Map 2, page 20).

i. Support efforts to develop a trail connection between the Barker Mill Trail and Moulton/West Pitch Park through the establishment of a pedestrian bridge across the Little Androscoggin River.

Recreation Objective 1.C: Support organizations such as the Androscoggin Land Trust and LA Trails in their efforts to develop and maintain boat launches and other riverfront recreational amenities.

Page 23 New Auburn Master Plan Table 3: Priority Recreation/Conservation Connections (Map 2, page 20)

Barker Mill Trail along Little Androscoggin River Broad Street/Sherwood Forest connection

A Second Street riverfront corridor from Mill St./Main St. to Broad St.

An east/west trail corridor connection between Riverside Dr. and So Main St. Barker Mill Trail connection to Moulton/West Pitch Park

Map 2:
New Auburn Sidewalks, Trails, and Bike Lanes
Broad St
Washington St S
Mill St
Thirteenth St
Barker Mill Trl
Albiston Wy
Hutchins St
Myrtle St
Maple St
Academy St
Moulton/ West Pitch Park
Elm St
Vine St
Main St
Riverwalk Trl
Bonney Park
Laurel Av
Newbury St
Barker Arm
Sherwood Heights
Sherwood Dr
Marian Dr
Pulsifer Field
Short St
Eighth St
Sixth St
Third St
Fourth St
Little Andy Park
Cook St
Seventeenth St
Bolster St
Patton St
Fulton St
Tenth St
Gill St
Rock St
Second St
Seventh St
Fifth St
Gill St
Brook St
Loring Av
Mary Carroll St
Joseph Ln
Boone Av
Truman Av
Walton
Huston Farm
Oak Point
Riverside Dr
Laureat Av
Roy Av
Doe St
Candia St
Ipswich St
Gosnold St
Flanders St
Enfield St
Reginald St
Paul St
Louise St
Lucille St
Olive St
Vivian St
Jordan Av
Legend
Open Space/Parks
Existing Sidewalks
Possible Sidewalk Connections
Key Crosswalk Locations
Existing Trails
Possible Trail Connections
Possible Designated Bike Lanes
0
0.125
0.25
0.5
Miles

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

July 26, 2012

Ken Blais
R&K Properties, LLC
87 Mill Street
Auburn Maine 04210

Re: **87 Mill Street, Auburn Maine 04210 / Property ID # 221-076, 221-075 and a portion of 221-074 / Zoning Conformance Letter**

Dear Mr. Blais:

I am writing in regard to the property located at 87 Mill Street, Auburn Maine 04210 (PID # 221-076). The subject property is located within the General Business (GB) zoning district and is occupied by an existing building and business, namely Rolly's Diner. City records indicate that the abutting lot (PID 221-075) is held in common ownership with 87 Mill Street (PID#221-076). As we have discussed the owner of the above mentioned properties intends to acquire a portion of the abutting parcel (PID#221-074) best described as a 25'wide strip of land along the western side of the property as shown on the attached map. With that acquisition and the combination of the three parcels noted above, the City will consider the parcels as one lot for zoning and permitting purposes.

The GB zoning district requires the following for setbacks:

a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

To determine the front setback for the parcel, we need to look at the *lots next thereto on either side.* The land to the west between the parcel in question and the Little Androscoggin River is a Public Easement and not a lot for the purposes of this determination. The first lot to the

northwest along Main Street is 374 Main Street (PID#221-073) which is occupied by a building with a zero (0) front setback. The first lot to the southeast along Main Street/South Main Street is 80 Mill Street (PID#221-078) which is occupied by a building with a zero (0) setback along South Main Street. Therefore, the average depths of *lots next thereto on either side* is zero (0) and the front setback requirement for the combined parcels to be known as 87 Mill Street will be zero (0). Any new structures or additions on that parcel will be allowed a zero (0) front setback along Main Street.

The side setback for this parcel will be 25' and will be met on the 25' strip of land that the owner of the above mentioned property intends to acquire.

Should you have any questions regarding this matter please don't hesitate to contact me at 333-6601 Extension 1154.

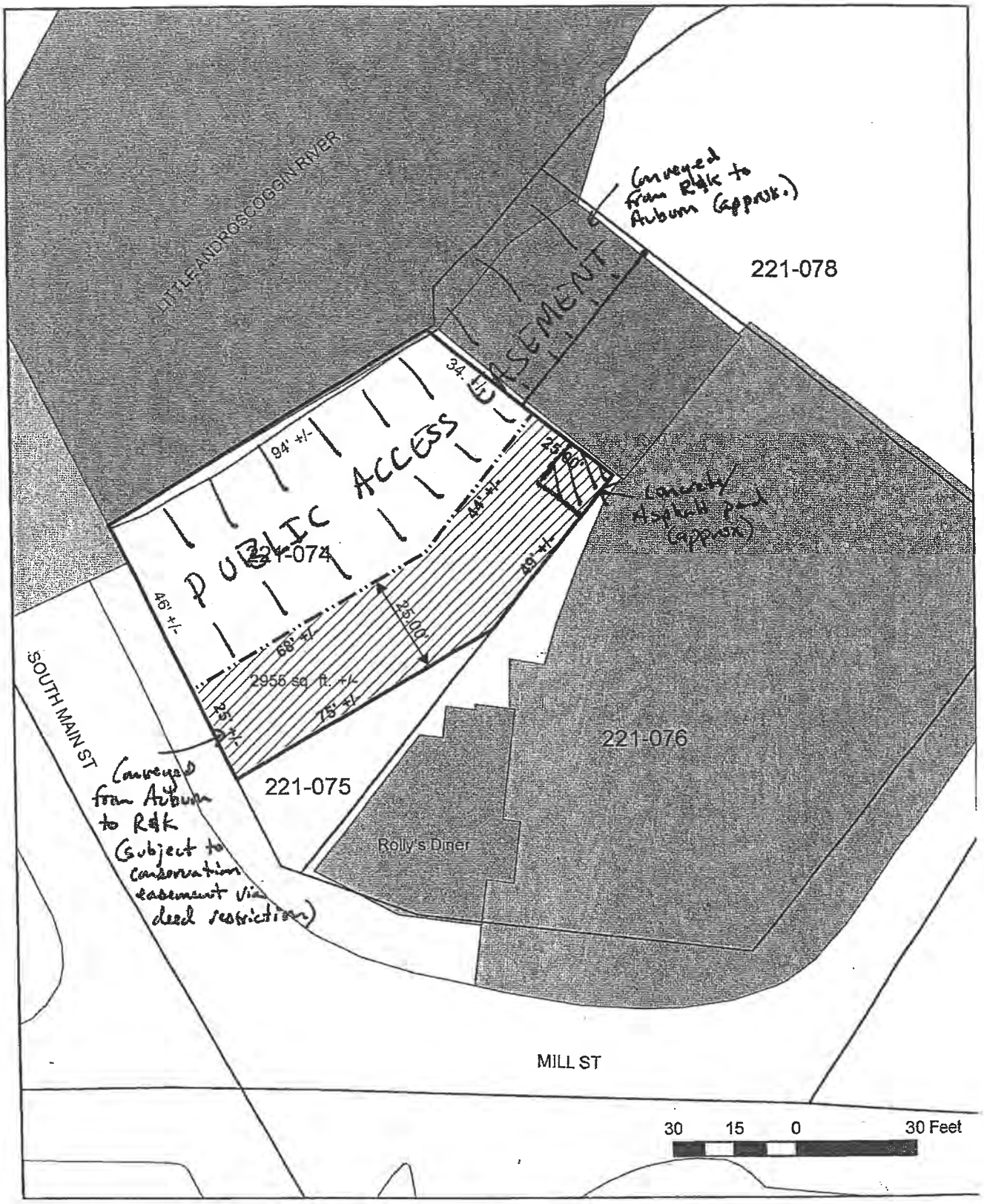
Sincerely,

Eric Cousens

Eric J. Cousens
Director of Planning and Permitting

Cc: Planning Department Property File

Proposed Conveyance to R & K Properties LLC



Sketch Phase Estimate- Rollys Garage (28 X 24)			
Div 2 Demolition		$	30,000.00
Div 3 Cast-In-Place		$	12,000.00
Div 3 Interior Flatwork		$	5,600.00
Div 3 Outside Flat Work		$	1,500.00
Div 6 Rough Carpentry - Material		$	44,000.00
Div 6 Carpenty Install -		$	35,000.00
Div 7 Waterproofing /Fire Stopping		$	1,950.00
Div 7 Roofing		$	24,000.00
Div 8 Doors and Hardware		$	14,500.00
Div 8 Wood/steel frame windows		$	6,200.00
Div 26 Electrical		$	8,500.00
Div 31 32 33 Site Contractors		$	9,000.00
	Cost	$	150,250.00
	7% contigency	$	10,517.50
	Total Budget	$	160,767.50

Not included in budget

$223.59 SF

ORDER 162-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that Use of Comprehensive Plan Implementation Funding by the Permitting & Planning Department, for the replacement of garage at R&K Properties LLC (PID 221-074), as recommended by the staff estimates, professional opinion and approved by the Auburn City Council not to exceed $160,767.50 (dollars).

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 163-12042023

Author: Glen E. Holmes, Director of Business & Community

Development **Subject**: TIF #31 – Academy St Housing. Public Hearing.

Information:
The Academy Street Housing Tax Increment Financing District & Development Program (#31) will enable the construction of a new 3-story apartment building providing 53 market rate units, both one and two bedrooms in a class A, low amenity complex. As part of these improvements, the developer will add 22 new on-street parking spaces, which will include ADA-compliant spaces. To make this possible, the developer will provide approximately 5 feet of private property to accommodate diagonal parking spaces. After construction, the developer will provide an easement to the City for public parking. To ensure compliance with ADA regulations, significant excavation and grade work will be done. Improvements to sidewalks will also require significant excavation and grade work to provide a safe and walkable path that includes ADA-specific accommodations. The sidewalk, parking, and street improvements to meet regulations set by the Department of Transportation.

City Budgetary Impacts:
The City intends to establish a new Tax Increment Financing District for the purpose of capturing tax revenues from new assessed value generated by investments made on these parcels. The captured revenue will be spent in a manner which limits impacts on the city budget for planned infrastructure improvements and services as outlined within the Project Cost budget included.

Staff Recommended Action:
Approval of Order as presented.

Previous Meetings and History:
n/a

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
TIF#31 Application

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

a) Hold at least one public hearing,
b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
c) At the hearing, the legislative body of a municipality or plantation must consider:
    i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
    ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evident to that effect.

Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

(e-mailed applications are <u>not</u> accepted)

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD
   Refer to "Checklist for Municipal Tax Increment Financing (MTIF) Application" to ensure application completeness
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor's Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

If applicable,

1. Exhibit J: Project Costs Spreadsheet
   Refer to MTIF Application, "Checklist For MTIF Application"for required information
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Table of Contents **

SECTION 1- COVER LETTER AND APPLICATION COVER SHEET 2
SECTION 2 - PURPOSE/BASIS ORIGINAL/AMENDED APPLICATION 3
SECTION 3 - COMPANY/DEVELOPER INFORMATION 5
SECTION 4 - EMPLOYMENT GOALS/DATA 6
SECTION 5 - DEVELOPMENT PROGRAM 7
Public Project(s) 7
Private Project(s) 7
Program Duration 7
Original Assessed Value 8
SECTION 6 - FINANCIAL PLAN 9
Increased Assessed Value Information 9
Public Indebtedness 9
Anticipated Revenues 9
Credit Enhancement Agreement (CEA) 9
Development Program Fund and Tax Increment Revenues 11
Relocation of Person(s)/Business(es) 12
Transportation Improvements 12
Environmental Controls 12
District Operation 12
SECTION 7 - NOTICE AND HEARING 13
EXHIBIT A - STATUTORY REQUIREMENTS & THRESHOLDS 14
EXHIBIT B - ASSESSOR'S CERTIFICATE 16
EXHIBIT C - MAP OF DISTRICT LOCATION WITHIN MUNICIPALITY 17
EXHIBIT D - MAP OF DISTRICT BOUNDARIES 18
EXHIBIT E - ANNUAL REVENUE SPREADSHEET 19
EXHIBIT F - ANNUAL TAX SHIFT SPREADSHEET 20
EXHIBIT G - 10-DAY NOTICE OF PUBLIC HEARING 21
EXHIBIT H - MINUTES OF PUBLIC HEARING 22
EXHIBIT I - RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION 23
EXHIBIT J - PUBLIC PROJECT COSTS 24
EXHIBIT K - COMPREHENSIVE DOWNTOWN REDEVELOPMENT PLAN 25
EXHIBIT L - TRANSIT-ORIENTED DEVELOPMENT DISTRICT MAP 26
EXHIBIT M - CREDIT ENHANCEMENT AGREEMENT(S) 27
EXHIBIT N - MUNICIPALITY TIF POLICY 28

**see "Checklist for Municipal Tax Increment Financing (MTIF) Application" for instructions to automatically update the Table of Contents.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Section 1- Cover Letter and Application Cover Sheet

1. **Name of municipal tax increment financing (TIF) district and development program:** #31 Academy St Housing
2. **This is an** original application. **If an amendment, what amendment number?** Choose a number.
3. **Is this a Downtown designated TIF?** No.
   If yes, provide the following information regarding the *Downtown Redevelopment Plan:*
   a. **Name:** Click here to enter text
   b. **Date approved by municipal legislative body:** Click to enter a date. (Include verification of this approval with Exhibit I)
   The Downtown Redevelopment Plan must contain the components outlined in the DECD "Downtown Redevelopment Plan Criteria Checklist"
4. **Is this development district considered a/an [check the appropriate box(es)]?**
   ☐ **Industrial** ☑ **Commercial** ☐ **Transit-oriented** ☐ **Arts**
   If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)
5. **Municipality name:** City of Auburn
6. **Municipality address:** 60 Court St Auburn, ME 04210
7. **Municipality county:** Androscoggin
8. **Municipal telephone number:** 207-333-6601
9. **Municipal official's name:** Phillip L Crowell
10. **Municipal official's title:** City Manager
11. **Municipal official's e-mail address:** PCrowell@auburnmaine.gov
12. **If different from #9 above, contact person/consultant**: Alyssa Tibbetts
13. **Municipal contact/consultant phone number:** 207-775-7271
14. **Municipality contact/consultant e-mail address:** atibbetts@jensenbaird.com
15. **Municipality's assessor's name:** Karen Scammon
16. **Municipality's assessor's e-mail address:** KScammon@auburnmaine.gov

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

_____ _____
Signature Date

_____
Print municipal official's name & title

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, "headline" sentence explaining purpose/basis of this application.**
   The proposed development plan includes a new 3-story apartment building providing 53 market rate units, both one and two bedrooms in a class A, low amenity complex.

2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.**

   Auburn Town Center Apartments, LLC is planning to build 53 one and two-bedroom units and public shared improvements. As part of these improvements, the developer will add 22 new on-street parking spaces, which will include ADA-compliant spaces. To make this possible, the developer will provide approximately 5 feet of private property to accommodate diagonal parking spaces. After construction, the developer will provide an easement to the City for public parking. To ensure compliance with ADA regulations, significant excavation and grade work will be done. Improvements to sidewalks will also require significant excavation and grade work to provide a safe and walkable path that includes ADA-specific accommodations. The sidewalk, parking, and street improvements will meet regulations set by the Department of Transportation.

   The site is currently a city owned vacant parcel located at 261 Main Street and 15 Academy Street, on the northerly side of Academy Street, in Auburn, Maine. The site is gravel and grass surfaced in the central and westerly portions, transitioning to wooded area to the east. Existing grades range from approximately elevation 189 to 166 feet. The development plans include a new on-grade, 3-story, L-shaped apartment building measuring about 274 by 104 feet in greatest plan dimensions. Finish floor elevation of the proposed building will be tiered to follow the site terrain. The site has been a vacant lot for ± 50 years. When completed, the project should provide 53 market rate units, both one and two bedrooms in a class A, low amenity complex. Overall, the project requires both on and off-site imrpovements to accommodate traffic and utility installation. These improvements will improve the ambiance and function of the greater neighborhood and aligns with existing City plans for pedestrian and vehicle safety improvements as well as core elements of the City's strategic plan.

   Under this Development Program, the City will capture the increased assessed value of taxable real property over the original assessed value of the District and retain the tax revenues generated by the captured assessed value for designated economic development purposes. The calculation of TIF Revenues (as defined below) is more specifically described below in Section VI – Financial Plan. In the Assessor's Certificate attached as Exhibit B hereto, the Assessor has certified the original assessed value of the District.

   By adopting this Development Program, the City is creating a TIF district that will: (1) maintain existing tax revenues; (2) enjoy enhanced future tax revenues generated by new development within the District; and (3) shelter the captured assessed value from impacting the overall State valuation for the City of Auburn, thereby minimizing: (a) potential decreases in the City's State school subsidy and State revenue sharing, and (b) potential increases in the City's county tax assessments and local school district contributions.

   Further, approval of this Development Program and the designation of the District will have a neutral impact on

the existing tax base; only the increased assessed value over the original assessed value within the District will be captured. In addition, at the end of the District and Development Program, the City expects to emerge with a substantial amount of new taxable property value to add to its municipal tax base.

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "TIF Statute"). Subsequent to a City Council vote designating the District and adopting this Development Program, evidenced by Exhibit I hereto, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.

Section 3 - Company/Developer Information

A. Business General Information
[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered]:

1. **Business name:** Auburn Town Center Apartments, LLC
2. **Business address:** PO Box 293, Auburn, ME 04212
3. **Business phone number:** 207-518-1155
4. **Business contact person:** Matt Leonard
5. **Business contact person e-mail address:** mattjleonard@gmail.com
6. **Principal place of business:** Maine
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Limited Liability Corporation
8. **Place of incorporation:** Maine
9. **Name of Officer(s):** Chairman of the Board, and President, Dr. Daniel Steece
10. **Name of principal owner(s) name:** Highgate Development LLC

11. **Address:** 799 Washington St. N., Auburn, ME 04
12. **Brief project description:** 53 new 1- & 2-bedroom apartments
13. **Total amount of project new investment by company/developer: $** $10,000,000
14. **Will there be a credit enhancement agreement with this business?** Yes. If so, complete the rest of this section and Section 4.

B. Disclosure, only in cases where a CEA is offered to the above business:

1. Check the public purpose(s) that will be met by the business using this incentive:

☐ **job creation** ☐ **job retention** ☐ **capital investment**
☐ **training investment** ☒ **tax base improvement** ☒ **public facilities improvement**
☐ **other (list):** Click here to enter text.

2. Check the specific item(s) for which TIF revenues will be used by the business:

☐ **real estate purchase** ☐ **machinery & equipment purchase** ☐ **training costs**
☒ **debt reduction**
☐ **other (list):** Click here to enter text.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (**If a developer**, check box ☒, and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
*See Occupational Cluster Descriptions for more information.			

INSTRUCTIONS

A. Job Creation Goals. Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, "full-time" employment means 30 hours or more; "part-time" employment means less than 30 hours. "Wage level" means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, "type" means "occupational cluster" which refers to the 12 categories listed in the "Occupational Cluster Descriptions." Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

B. Job Retention Goals. Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 5 - Development Program

Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?** Yes. See Exhibit J.

Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** Yes. **If yes, provide a brief, clear description:** Developers intend to construct a new 53 unit appartment building.

Program Duration

3. **Duration of development district (may not exceed 30 years):**
   a. **District term: Original application**: 30.
   If an amendment, adding how many years? Choose a number **totaling how many years?** Choose a number.
   b. **Start date of** April 1, 2024 **with fiscal year** beginning July 1, 2024 (captured assessed value as of April 1, 2024).
   [Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]
   c. **End date of** March 31, 2054 **with fiscal year** ending June 30, 2054.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Original Assessed Value

4. **Provide the taxable assessed value of the development district as of the March 31st of the tax year preceding the property tax year in which the district was designated by the legislative body.**

			OAV of Real Property	OAV of Personal Property	As of (complete year)		Total acres
Original district			$0.00	$0.00	3/31/2023		1.330
Amendment: (If applicable, with any property added/removed)	#1	-				-	
		+			3/31/____	+	
	#2	-				-	
		+			3/31/____	+	
	#3	-				-	
		+			3/31/____	+	
	#4	-				-	
		+			3/31/____	+	
	#5	-				-	
		+			3/31/____	+	
	#6	-				-	
		+			3/31/____	+	
	#7	-				-	
		+			3/31/____	+	
	#8	-				-	
		+			3/31/____	+	
	#9	-				-	
		+			3/31/____	+	
	#10	-				-	
		+			3/31/____	+	
Total	N/A				N/A		

***Municipal Assessor must certify above original assessed value(s) (Exhibit B).

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 6 - Financial Plan

Increased Assessed Value Information

1. **Total estimated cost for the development program: $** 2,622,506 (Should match "total" from Exhibit J)
2. **Municipality will capture** 100 **of** real property only **increased assessed value for each year of the district term, to apply to the development program.** Click here to enter text, if needed.
3. **If #2 above's captured assessed value is less than 100%, besides the district's original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** Click here to enter % to be deposited in General Fund/Education & Services fund.

Public Indebtedness

4. **Will there be public indebtedness?** Yes, to be determined.
    a. **If yes, what is the projected amount of public indebtedness to be incurred?** The City will not incur any indebtedness at this time; however, the City may elect to do so at a future date at the descretion of its City Council.
    b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** Choose an item. **If yes, provide the status, such as years left on bond and amount of outstanding debt.** Click here to enter text.

Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** The source of the revenue to be used to pay the costs of the public projects set forth in this Development Program is the Tax Increment on the increased Assessed Value of the District. Tax increment means all property taxes assessed by the City, in excess of any state, county or special district tax, upon the increased assesed value of all real property in the District. Increased assessed value means the valuation amount by which the current assessed value of the District exceeds the taxable original assessed value of the real property in the District. Current assessed value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property taxes means any and all ad valorem propert taxes levied, charged or assessed against real property by the City. Original assessed value means the taxable assessed value of real property in the District as of March 31, 2023 (April 1, 2022). All property tax on the original assessed value shall continue to be deposited into the City's general fund.
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** A portion of the Tax Increment from the District as described above will be used to finance a portion of the construction of the Company's new rental residential development to be located within the District. The percentage of the Tax Increment will be paid to the Company under the terms of a Credit Enhancement Agreement as set forth below.

Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
    a. **Will CEAs be offered as part of this development program?** Yes.
    b. **List name(s) of company/developer to be offered a CEA:** Auburn Town Center Apartments LLC
        i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** 50% for up to 25 years not to exceed $1,000,000

c. **Is this an omnibus application?** No.
If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s): Click here to enter text.

d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Development Program Fund and Tax Increment Revenues

Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and

2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and

2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X _____
Initial & date

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X _____
Initial & date

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Relocation of Person(s)/Business(es)

8. No persons will be displaced as a result of the development activities proposed within the District

Transportation Improvements

9. As part if this development, the developer will construct approximately 22 new public parking spaces along Academy Street. Except for these improvements, the existing transportation facilities of the City will be adequate to accommodate the development activities within the District.

Environmental Controls

10. The improvements made under this Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements of the city.

District Operation

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
    a. **Public capital improvements:** The day-to-day operations of the District will not require substantial efforts by the City, other than staffing and programming primarily conducted by the City Manager's office and the Business and Community Development Office.
    b. **Private capital improvements:** The private improvements contemplated to occur within the District are expected to be funded by the developer, in part through the reimbursement of tax increment revenue pursuant to a credit enhancment agreement. Other than the credit enhancement agreement, the City will not be responsible for the funding or operation of private capital improvements within the District

Section 7 - Notice and Hearing

1. **Date of public notice (must be minimally 10 days before the public hearing):** Click to enter a date.
   For Exhibit G, provide a legible **copy** of the newspaper page showing the public hearing , newspaper name and date of publication.

2. **Date of public hearing:** December 4, 2023
   For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.

3. **Date municipal or plantation legislative body approved original district designation:** Click to enter a date.
   Date municipal or plantation legislative body adopted original development program: Click to enter a date.
   If an amendment, is it to the:
   - ☐ **district. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   - ☐ **development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   - ☐ **district and development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.

   For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.

4. **Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit A - Statutory Requirements & Thresholds

**round to second decimal place

SECTION A. | Acreage Caps		
1. Total **municipal** acreage	41,430	
2. Acreage of **proposed** Municipal TIF District (if amendment, proposed updated total acreage)	1.33	
3. **Downtown-designation**[1] acres in proposed Municipal TIF district	0	
4. **Transit-Oriented Development**[2] acres in proposed Municipal TIF district	0	
5. **Total acreage [=A2-A3-A4]** of proposed Municipal TIF district counted toward 2% limit	1.33	
6. **Percentage [=A5÷A1]** of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)	0.003	
7. **Total acreage** of all existing/proposed Municipal TIF districts in municipality **including** Municipal Affordable Housing Development districts:[3] See attached list.	Existing	667.18
	Proposed	1.33
	Total	668.51

30-A § 5223(3) EXEMPTIONS[4]	
8. Acreage of an existing/proposed **Downtown** Municipal TIF district	247.55
9. Acreage of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0
10. Acreage of all existing/proposed **Community Wind Power** Municipal TIF districts:	0
11. Acreage in all existing/proposed Municipal TIF districts **common to**[5] Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such acreage also factored in Exemptions 8-10 above:	0
12. **Total acreage [=A7-A8-A9-A10-A11]** of all existing/proposed Municipal TIF districts counted toward 5% limit	420.96
13. **Percentage of total acreage [=A12÷A1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)	1.016%

14. **Real property** in proposed Municipal TIF District that is:	ACRES	% **[=Acres÷A2]**
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	1.33	100
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		100%

[1] Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).
[2] For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.
[3] For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B must exclude AH-TIF valuation.
[4] Downtown/TOD overlap nets single acreage/valuation caps exemption.
[5] PTDZ districts approved through December 31, 2008.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

SECTION B. | Valuation Cap		
1. **Total TAXABLE** municipal valuation—as of April 1, 2023		$2,253,171,176
2. **Taxable Original Assessed Value (OAV)** of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31		$0
3. **Taxable OAV of all** existing/proposed Municipal TIF districts in municipality **excluding** Municipal Affordable Housing Development districts: See attached list.	Existing	$105,704,200
	Proposed	$0
	Total	$105,704,200
30-A § 5223(3) EXEMPTIONS		
4. **Taxable OAV** of an existing/proposed **Downtown** Municipal TIF district		$80,002,900
5. **Taxable OAV** of all existing/proposed **Transit-Oriented Development** Municipal TIF districts		0
6. **Taxable OAV** of all existing/proposed **Community Wind Power** Municipal TIF districts		0
7. **Taxable OAV** of all existing/proposed **Single Taxpayer/High Valuation**[6] Municipal TIF districts		0
8. **Taxable OAV** in all existing/proposed Municipal TIF districts **common to** Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such OAV also factored in Exemptions 4-7 above:		0
9. **Total taxable OAV [=B3-B4-B5-B6-B7-B8]** of all existing/proposed Municipal TIF districts counted toward 5% limit		$25,701,300
10. **Percentage of total taxable OAV [=B9÷B1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)		1.14%

COMPLETED BY			
PRINT NAME	Alyssa Tibbetts		
SIGNATURE		DATE	
If this form has **not been completed by the municipal or plantation assessor**, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME	Karen Scammon		
SIGNATURE		DATE	

[6] For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT A: Existing Active TIF Districts

District Number	District Name	OAV	Acreage
6	Proctor & Gamble (Tambrands II)	$ 520,900.00	84
10	Downtown Omnibus (pending amendment)	$ 80,002,900.00	247.55
12	Auburn Industrial Park	$ 334,200.00	144
13	Retail Development	$ 5,425,400.00	29.67
14	Mall Revitalization	$ 11,328,400.00	38.91
15	Mall Area Hotel	$ 4,900.00	1.5
16	Webster School (affordable housing)	$ -	1.4
19	Hartt Transportation Center	$ 1,278,600.00	43
20	62 Spring Street	$ 474,300.00	0.81
21	477 Minot Avenue (affordable housing)	$ -	3.83
22	Hampshire Street (affordable housing)	$ -	1.01
23	Memory Care	$ 327,100.00	8.61
24	Gracelawn	$ 262,600.00	2.92
25	FutureGuard	$ 3,838,700.00	26.2
26	North River Road Apartments	$ 60,300.00	3.32
27	Stable Ridge	$ 235,500.00	13.19
28	Agren Applicance	$ 1,051,500.00	11.64
29	186 Main Street (pending approval)	$ 40,000.00	0.16
30	Diamond Point Storage (pending approval)	$ 518,900.00	5.46
	TOTAL	**$ 105,704,200.00**	**667.18**

Exhibit B - Assessor's Certificate

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT B: Assessor's Certificate

CITY OF AUBURN
CERTIFICATE OF ASSESSOR

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the Auburn Municipal Tax Increment Financing District #31, the Academy Street Housing Development District, as described in the Development Program for the District and as identified in more detail below, was $0 as of March 31, 2023 (April 1, 2022).

Map/Lot	Address	Acres	Original Assessed Value
230-132	15 Academy Street	1.11	$0
231-004	261 Main Street	0.22	$0
	TOTAL	**1.33**	**$0**

This Certificate has been executed as of this ____ day of November, 2023.

_____
Karen Scammon, Municipal Assessor

Exhibit C - Map of District Location within Municipality

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #31 – Exhibit C
Map of District Location within Municipality

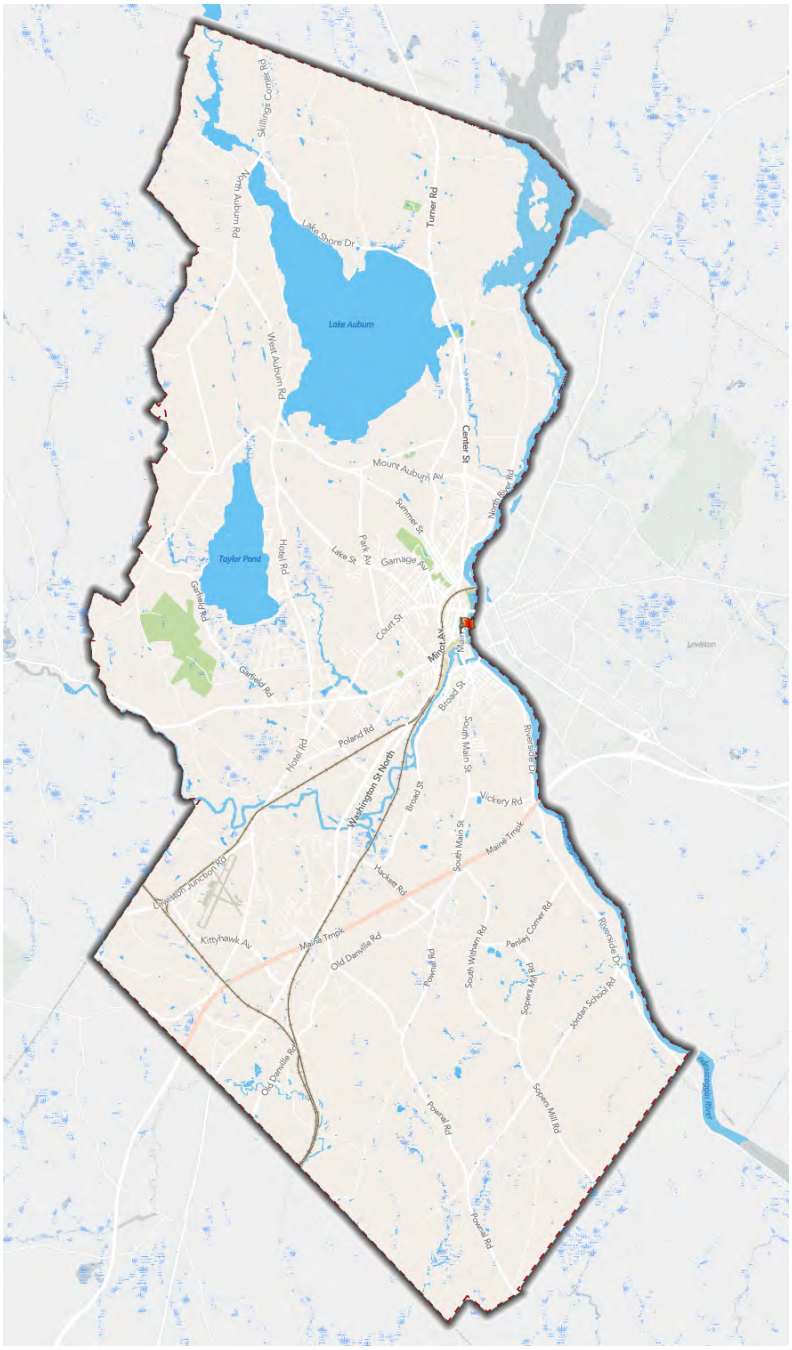


Exhibit D - Map of District Boundaries

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #31 – Exhibit D
Map of District Boundaries

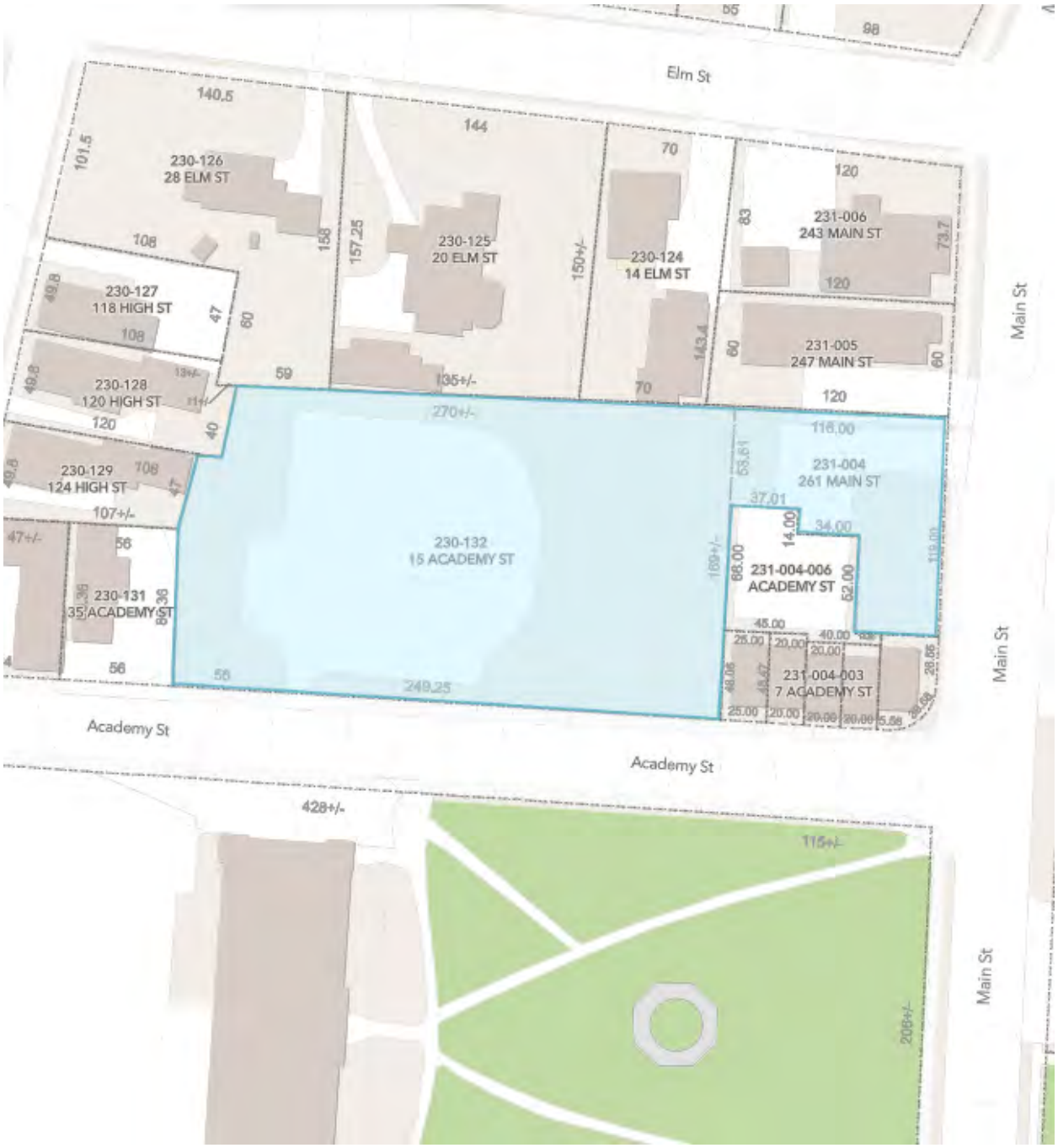


Exhibit E - Annual Revenue Spreadsheet

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT E : Annual Revenue Spreadsheet TIF Name: **TIF #31 - Academy St Housing**

TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Original Assessed Value (OAV)	Increased Assessed Value (IAV)	Captured Assessed Value (CAV) %	MIL Rate	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV	CEA Payments to Developer %	Net Revenue on CAV to Development
1	2024	2025	**$0.00**		**100.0%**	**$22.75**	$0.00			50.0%	
2	2025	2026	$0.00	**$3,975,000**	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
3	2026	2027	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
4	2027	2028	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
5	2028	2029	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
6	2029	2030	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
7	2030	2031	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
8	2031	2032	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
9	2032	2033	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
10	2033	2034	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
11	2034	2035	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
12	2035	2036	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
13	2036	2037	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
14	2037	2038	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
15	2038	2039	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
16	2039	2040	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
17	2040	2041	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
18	2041	2042	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
19	2042	2043	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
20	2043	2044	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
21	2044	2045	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
22	2045	2046	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
23	2046	2047	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$45,215.63	$45,215.63
24	2047	2048	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25	$5,256.25	$85,175.00
25	2048	2049	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25		$90,431.25
26	2049	2050	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25		$90,431.25
27	2050	2051	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25		$90,431.25
28	2051	2052	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25		$90,431.25
29	2052	2053	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25		$90,431.25
30	2053	2054	$0.00	$3,975,000	$3,975,000	$22.75	$0.00	$90,431.25	$90,431.25		$90,431.25
						30 Year TIF Totals=	**$0.00**	**$2,622,506.25**	**$2,622,506.25**	**$1,000,000.00**	**$1,622,506.25**
						Annual Average=			**$87,416.88**	**$45,215.63**	**$54,083.54**

Assumptions:

The OAV of the District consists of the parcel(s) identified within the Certificate of Assessor (Exhibit B) and a map of the District can be found in Exhibit C-D.

The IAV are estimates only based on the preliminary development plan. Actual IAV figures in each year may vary and as a result the projections are subject to change.

The City intends to capture: 100.0% of both real & personal property within the district.

The Mil Rate is $22.75 and is based on the current rate at time of application. This rate may change each year and as a result projections are subject to change.

The Development Program authorizes the city to enter into a credit enhancement agreement for reimbursement up to 50.0%

The Development Program established a cap of total cumulative reimbursement of no more than $1,000,000.00

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit F - Annual Tax Shift Spreadsheet

EXHIBIT F : Annual Tax Shift Spreadsheet			TIF Name: TIF #31 - Academy St Housing				
TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Education Shift (Avoided Loss) State MIL Rate	Revenue Sharing Shift (Avoided Loss)	County Tax Shift (Avoided Increase)	Total Tax Shift	Net Revenue from CAV to Gen Fund (w/out TIF)
1	2024	2025	$6.97				
2	2025	2026	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
3	2026	2027	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
4	2027	2028	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
5	2028	2029	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
6	2029	2030	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
7	2030	2031	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
8	2031	2032	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
9	2032	2033	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
10	2033	2034	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
11	2034	2035	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
12	2035	2036	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
13	2036	2037	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
14	2037	2038	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
15	2038	2039	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
16	2039	2040	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
17	2040	2041	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
18	2041	2042	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
19	2042	2043	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
20	2043	2044	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
21	2044	2045	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
22	2045	2046	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
23	2046	2047	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
24	2047	2048	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
25	2048	2049	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
26	2049	2050	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
27	2050	2051	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
28	2051	2052	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
29	2052	2053	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
30	2053	2054	$27,705.75	$6,060.73	$4,097.36	$37,863.84	$52,567.41
		30 Year TIF Totals=	$803,473.72	$175,761.16	$118,823.46	$1,098,051.37	$1,524,454.88
		Annual Average=	$26,782.46	$5,858.71	$3,960.78	$36,601.71	$50,815.16

Assumptions:

The tax shifts resulting from sheltering of valuation from the state school funding formula are based on the state EPS funding model at the most recent MIL rate published. The estimated MIL rate indicated above is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the City avoids having to raise an amount equal to the valuation sheltered. The education rate used to calculate the education tax shift is based on the most recent adjusted mill rate of the Auburn Public School District.

The tax shifts resulting from the sheltering of valuation from the state revenue sharing formula are based on the most recent data available from Maine Revenue Services for the most recent fiscal year as published by the Office of the State Treasurer.

The tax shifts resulting from the sheltering of valuation from the County tax assessment are based on the actual Androscoggin County tax assessments for the most recent five years.

The OAV of the District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

These tax shift estimates are based on a captured assessed value of 100.0% of the estimated IAV.

The projected tax revenue is based on the estimate of increased assessed value multiplied by a MIL rate of $22.75

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit G - 10-Day Notice of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT G: 10-Day Notice of Public Hearing

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on December 4th, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #31 the "Academy St Housing" Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 1.33 acres, which includes two parcels located at the intersection of Academy Street and Main Street, identified on the City's tax maps as Map 230-132 and 231-004. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new multi-unit housing facility by Auburn Town Center Apartments LLC and use the captured tax revenue for public improvements, programs, and facilities as set forth in the Development Program.

The City proposes to offer the developer of this project a reimbursement of 50% of the property taxes paid by the developer on the new assessed property value in the District resulting from the project over a period of up to 25 years, not to exceed $1,000,000 total. This reimbursement will enable the developer to construct traffic and utility improvements made necessary by the development. In addition, the City proposes to allocate the remainder of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City's use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects.

A copy of the proposed Development Program for the new District is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

Exhibit H - Minutes of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit I - Record of District Designation and Development Plan Adoption

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

ORDER OF THE AUBURN CITY COUNCIL
December 4, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Auburn Town Center Apartments, LLC for the commercial development of certain property within its T4.2 zoning district located at the intersection of Main Street and Academy Street; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Academy Street Housing Municipal Development and Tax Increment Financing District #31 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #31 (the "Academy Street Housing Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Academy Street Housing Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

Exhibit J - Public Project Costs

EXHIBIT J: Public Project Costs

	Project	Maximum Percentage of CAV	Cost Estimate*	Statutory Citation
1	Administrative & Professional Services Costs: Costs of prorated portion of salaries of City staff for time associated with creation and administration of District, and fund costs of professional services associated with creation and administration of District. Costs related to the administration and facilitation of management and monitoring of this TIF, not to exceed the indicated percentage of the revenue generated from captured assessed value of the development district.[3]	5.0%	$131,125	30-A M.R.S. §5225(1)(A)(4); (1)(A)(5); (1)(A)(7)
2	Economic Development Programs: Costs of the City's economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City's Economic Development Department. Costs related to the economic development programs, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[2, 3]	5.0%	$131,125	30-A M.R.S. § 5225(1)(C)(1); (1)(C)(3);
3	Road Improvements within our outside the district: Design, construction, engineering, other associated costs of road construction, sidewalk and pedestrian crossing safety improvements on roads located within the District or outside the District but directly related to or made necessary by the District, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[3]	10.0%	$262,251	30-A M.R.S. § 5225(1)(A)(1); (1)(B)(1)
4	Public Safety Facility within the city: Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the revenue generated from the captured assessed value of the development district.[1, 3]	15.0%	$393,376	30-A M.R.S. § 5225 (1)(C)(9)

5	Public Infrastructure within or outside the district: Eligible recreational trail-related development district capital costs include but are not limited to new or existing trails, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses, signs, crosswalks, signals and warning systems and other related improvements, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	10.0%	$262,251	30-A M.R.S. §5225(1)(A)(2)
6	Housing Development within the city: Costs associated with the development and operation of housing, including, but not limited to, authorized project costs for improvements as described in section 5249 even if such improvements are not made within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	15.0%	$393,376	30-A M.R.S. § 5225 (1)(A)(9); 30-A M.R.S. § 5249 (1)(A)(5); (1)(A)(7)
7	Capital Costs within the district: Costs of improvements made within the district related to the acquisition or construction of land, structures, fixtures or equipment, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures and fixtures for public, recreational trail, commercial or transit use including, but not limited to site preparation, finishing work, real property assembly costs and other capital costs or debt service related to such improvements such as licensing, permitting, planning, engineering and architectural and legal expenses, and credit enhancement agreement payments, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[3]	40.0%	$1,049,003	30-A M.R.S. § 5225 (1)(C)(9); (1)(B)(1)
		100.0%	**$2,622,506**	

*****These are estimates only. The City may allocate revenues generated by the district across approved project cost categories as needed.

Similar program costs contained within other current and future TIFs may be combined.

[1] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, and #6.

[2] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, #10, #6.

[3] The use of TIF revenue for this project cost has also been authorized in the City's TIF District #28.

All of the foregoing project cost categories have also been authorized in the City's TIF District #29 and #30 (pending approval).

Exhibit K - Comprehensive Downtown Redevelopment Plan

N/A

Exhibit L - Transit-Oriented Development District Map

N/A

Exhibit M - Credit Enhancement Agreement(s)

CREDIT ENHANCEMENT AGREEMENT

between

THE CITY OF AUBURN, MAINE

and

AUBURN TOWN CENTER APARTMENTS, LLC

DATE: _____, 2023

TABLE OF CONTENTS

ARTICLE I DEFINITIONS…… 3
Section 1.1. Definitions. 3
Section 1.2. Interpretation and Construction.....5

ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS .5
Section 2.1. Creation of Development Program Fund.....6
Section 2.2. Liens.....6
Section 2.3. Retention of Increment; Deposits into Development Program Fund. 6
Section 2.4. Use of Monies in Development Program Fund.....6
Section 2.5. Monies Held in Trust.....7
Section 2.6. Investments. 7
Section 2.7. Reporting Obligations. 7

ARTICLE III PAYMENT OBLIGATIONS.....7
Section 3.1. Company Payments.....7
Section 3.2. Failure to Make Payment. 7
Section 3.3. Limited Obligation. 8

ARTICLE IV FURTHER INSTRUMENTS AND BOOKS AND RECORDS.....8
Section 4.1. Further Instruments and City Costs.....8
Section 4.2. Access to Books and Records.....8

ARTICLE V DEFAULTS AND REMEDIES 9
Section 5.1. Events of Default.....9
Section 5.2. Remedies on Default.....10
Section 5.3. Remedies Cumulative.....10

ARTICLE VI EFFECTIVE DATE, TERM AND TERMINATION.....10
Section 6.1. Effective Date and Term. 10
Section 6.2. Cancellation and Expiration of Term.....10

ARTICLE VII ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST 11
Section 7.1. Pledge and/or Assignment. 11
Section 7.2. Transfer 11

ARTICLE VIII MISCELLANEOUS.....11
Section 8.1. Successors. 11
Section 8.2. Parties-in-Interest. 12
Section 8.3. Severability.....12
Section 8.4. No Personal Liability.....12
Section 8.5. Counterparts. 12
Section 8.6. Governing Law. 12
Section 8.7. Amendments. 12
Section 8.8. Integration. 13

DRAFT

Section 8.9. Dispute Resolution.....13
Section 8.10. Records.....13
Section 8.11. Notices.....13

THIS CREDIT ENHANCEMENT AGREEMENT dated as of _____ __, 2023, between the City of Auburn, Maine (the "City"), a municipal corporation and political subdivision of the State of Maine, and Auburn Town Center Apartments, LLC (the "Developer"), a Maine limited liability company with a principal place of business located at 799 Washington Street, Auburn, ME 04210.

WITNESSETH THAT

WHEREAS, the Developer owns property located on 261 Main Street and 15 Academy Street in Auburn, Maine (the "Property"), and intends to construct a new 53 unit market-rate apartment building on the Property (the "Project"); and

WHEREAS, the City designated the Academy Street Housing Tax Increment Financing Development District #31 (the "District") pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, by vote at a City Council Meeting held on _____ (the "Vote"), and

WHEREAS, the City received the approval of the District and the Development Program by the Maine Department of Economic and Community Development dated _____; and

WHEREAS, the City authorized the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to an Order of the City Council, adopted on _____; and

WHEREAS, the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the credit enhancement agreement contemplated and described in the Development Program; and

WHEREAS, the estimated cost of off-site improvements required in connection with the development of the Property is estimated to be approximately $10,000,000; and

WHEREAS, the cost to construct the Project and maintain the commercial activity and employment opportunities in the City of Auburn requires financial assistance from the City to ensure completion of the Project; and

WHEREAS, completion of the Project will contribute to the economic growth and well-being of the City, and enable public facilities and improvements to the betterment of the health, welfare and safety of its inhabitants; and

DRAFT

WHEREAS, the City has decided to induce the Developer to undertake the Project through the use of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions.

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

"Act" means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

"Agreement" shall mean this Credit Enhancement Agreement between the City and the Developer dated as of the date set forth above, as such may be amended from time to time.

"CEA Year(s)" shall have the meaning given such term in Section 2.3(a) hereof.

"City" shall have the meaning given such term in the first paragraph hereto.

"City Project Cost Subaccount" means that portion of the Project Cost Account of the Development Program Fund set aside for the City uses as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof.

"City Payments" means for each CEA Year the Developer Percentage of the Increased Assessed Value payable in accordance with the terms of this Agreement.

"Commissioner" means the Commissioner of the Maine Department of Economic and Community Development.

"Current Assessed Value" means the then current assessed value of real property within the District as determined by the City Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

"Department" means the Maine Department of Economic and Community Development.

"Developer" shall have the meaning given such term in the first paragraph hereto.

"Developer Percentage" means fifty percent (50%) of the Increased Assessed Value in each Tax Year on which Property Tax payments are made by the City to the Developer as City Payments under the terms of this Agreement, subject to the limitations set forth herein.

DRAFT

"Developer Project Cost Subaccount" means that portion of the Project Cost Account of the Development Program Fund set aside for the Developer as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof

"Developer Property" or "Property" means the total of 1.33 acres that comprises the District, consisting of three parcels identified on the City's tax maps as Map 230, Lot 132 and Map 231, Lot 4.

"Development Program" means the development program and financial plan for the District adopted by the City, as amended.

"Development Program Fund" means the Academy Street Housing Municipal Development and Tax Increment Financing Development Program Fund described in the Financial Plan section of the Development Program and established and maintained pursuant to Article II hereof and 30-A M.R.S.A § 5227(3)(A).

"District" shall have the meaning given such term in the first recital hereto, which is more specifically comprised of approximately 1.33 acres of real property and identified in Exhibits B, C and D to the Development Program and any future improvements to such real property.

"Financial Plan" means the financial plan described in the "Financial Plan" Section of the Development Program.

"Fiscal Year" means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

"Increased Assessed Value" means, for each CEA Year, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in the corresponding CEA Year.

"Incremental Property Tax Payments" means all real property tax payments related to the Increased Assessed Value, inclusive of interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

"Original Assessed Value" means $0, the taxable assessed value of the real property within the District as of March 31, 2023 (April 1, 2022).

"Project Cost Account" means that portion of the Development Program Fund for the District as defined in the Financial Plan Section of the Development Program and established and maintained according to Title 30-A M.R.S.A. § 5227(3)(A)(1) and Article II hereof.

"Property Tax" means any and all *ad valorem* property taxes levied, charged or assessed against real property located in the District by the City, or on its behalf.

"State" means the State of Maine.

DRAFT

"Tax Increment Revenues" means that portion of all real property taxes assessed and paid within the District to the City in any Tax Year, excluding any state, or special district tax, including any scheduled payments thereof, interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

"Tax Payment Date" means the date(s) on which property taxes levied by the City are due and payable from the owners of property located within the City.

"Tax Year" shall have the meaning given such term in 30-A M.R.S.A. §5222(18), as amended, to wit: April 1 to March 31. Each Tax Year corresponds to a particular Fiscal Year. Each CEA Year occurs during a Fiscal Year.

Section 1.2. Interpretation and Construction.

In this Agreement, unless the context otherwise requires:

(a) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms, as used in this Agreement, refer to this Agreement, and the term "hereafter" means after, and the term "heretofore" means before, the date of delivery of this Agreement.

(b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.

(c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.

(d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.

(e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.

(f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

(g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

ARTICLE II
DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS

DRAFT

Section 2.1. Creation of Development Program Fund.

The City shall create and establish a segregated fund in the name of the City designated as "The Academy Street Housing Municipal Development and Tax Increment Financing District Fund" (hereinafter the "Development Program Fund") pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5227(3). The Development Program Fund shall consist of the Project Cost Account that is pledged to and charged with the payment of project costs as outlined in the Financial Plan of the Development Program and as provided in 30-A M.R.S.A. § 5227(3)(A)(1). The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S.A. § 5227(3)(B). The Project Cost Account shall also contain two subaccounts designated as the "Developer Project Cost Subaccount" and the "City Project Cost Subaccount."

Section 2.2. Liens.

The City shall not create any liens, encumbrances or other interests of any nature whatsoever, nor shall it hypothecate the Developer Project Cost Subaccount described in Section 2.1 hereof or any funds therein, other than the interest in favor of the Developer and/or the Trustee hereunder in and to the amounts on deposit.

Section 2.3. Retention of Increment; Deposits into Development Program Fund.

(a) Commencing with the Tax Year beginning April 1, 2024, and for a period not to exceed twenty-five (25) years, ending March 31, 2049 (each a "CEA Year" and collectively the "CEA Years" herein), the City shall retain at least the Developer Percentage of the Increased Assessed Value within the District for the benefit of the Developer as set forth herein.

(b) For each of the CEA Years, the City shall deposit into the Developer Project Cost Subaccount an amount equal to the Developer Percentage of each Incremental Property Tax Payment paid on Increased Assessed Value, up to a cumulative amount of $1,000,000. Such deposits shall be made by the City within 10 business days after the Property Tax due date at the time in effect; currently due semi-annually on each September 15 and March 15. In the event any such payment allocable to the Developer Percentage of Incremental Property Tax Payments is not timely paid to the City, the City shall deposit such payment (plus any allocable interest) within 10 business days of receipt of such payment.

(c) Notwithstanding anything to the contrary contained herein, all allocations to the Developer Project Cost Subaccount and payments to the Trustee for deposit therein shall cease at the conclusion of the term of this Agreement identified in Section 2.3(a) hereof subject to extension as identified in Section 6.1(a) hereof.

Section 2.4. Use of Monies in Development Program Fund.

All monies in the Development Program Fund that are allocable to and/or deposited in the Developer Project Cost Subaccount shall in all cases be used and applied to fund fully the City's

DRAFT

payment obligations to Developer described in Articles II and III hereof. All monies required to be deposited in the Developer Project Cost Subaccount shall be used by the Developer for construction of the Project.

Section 2.5. Monies Held in Trust.

Except as otherwise provided in this Agreement, all monies required to be deposited with or paid into the Developer's Project Cost Sub-Account of the Development Program Fund are to fund payments to the Developer under the provisions hereof and the provisions of the Development Program for the benefit of the Developer in accordance with the provisions of this Agreement.

Section 2.6. Investments.

Monies in the Developer's Project Cost Sub-Account may be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts so invested are needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Sub-Account of the Development Program Fund.

Section 2.7. Reporting Obligations.

Developer covenants and agrees to provide the City promptly upon request with all documentation reasonably required by the City to confirm the costs and completion of the projects set forth in Section 2.4.

ARTICLE III
PAYMENT OBLIGATIONS

Section 3.1. Company Payments.

(a) The City agrees to pay Developer all amounts then on deposit in the Company Project Cost Subaccount, on or before thirty (30) days following the Tax Payment Date.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real property located in the District remain unpaid, because of a valuation dispute or otherwise, the City shall be under no obligation to pay Developer's share of the disputed portion of the Tax Increment Revenues to Developer. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall be applied to taxes due on account of Original Assessed Value and, next to Sinking Fund Account as applicable, to the taxes due on account of the allocation of TIF Revenues for the City Project Cost Subaccount, and next to the taxes due in account of the allocation of TIF revenues for the Company Project Cost Subaccount.

Section 3.2. Failure to Make Payment.

DRAFT

(a) In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Development Program Fund is insufficient to reimburse Developer for the full amount due to Developer under this Agreement the City shall be in breach of the terms hereof, and the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, subject to the limitations of Section 3.3 below.

Section 3.3. Limited Obligation.

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to Developer hereunder, whether or not actually deposited into Company Project Cost Subaccount in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

ARTICLE IV
FURTHER INSTRUMENTS AND BOOKS AND RECORDS

Section 4.1. Further Instruments and City Costs.

The City shall, upon the reasonable request of Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by Developer.

Section 4.2. Access to Books and Records.

(a) All non-confidential books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by Developer, its agents and employees.

(b) All non-confidential books, records, lease agreements and documents in the possession of Developer relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by City, its agents and employees.

ARTICLE V
DEFAULTS AND REMEDIES

Section 5.1. Events of Default.

Each of the following events shall constitute and be referred to in this Agreement as an "Event of Default":

(a) Any failure by the City to pay any amounts due to Developer when the same shall become due and payable;

(b) Any failure by the City to make deposits into Development Program Fund, including the Company Project Cost Subaccount, as and when due;

(c) Any failure by the City or Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or Developer to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof;

(d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the Developer's affairs shall have been entered against the Developer or the Developer shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Developer or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Developer or the failure by the Developer to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Developer;

(e) If any secured lender of Developer accelerates the indebtedness owed to it;

(f) If any written representation or warranty given to the City by Developer is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent; and

(g) If Developer fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the Developer's secured lenders and/or

Developer allows mechanics' liens to encumber the Project for a period of more than sixty (60) days.

Section 5.2. Remedies on Default.

Subject to the provisions contained in Section 8.9, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder.

Section 5.3. Remedies Cumulative.

Subject to the provisions of Section 8.9 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

ARTICLE VI
EFFECTIVE DATE, TERM AND TERMINATION

Section 6.1. Effective Date and Term.

This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof and shall expire upon the performance of all obligations on the part of the City and the Developer hereunder or upon any earlier termination as provided in this Agreement.

Upon receipt of such approval, this Agreement shall remain in full force from April 1, 2024 and shall expire March 31, 2036 or sooner upon the payment of all amounts due to Developer hereunder and the performance of all obligations on the part of the City hereunder, unless even sooner terminated pursuant to any other applicable provision of this Agreement.

Section 6.2. Cancellation and Expiration of Term.

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

ARTICLE VII
ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST

Section 7.1. Pledge and/or Assignment.

The City hereby acknowledges that Developer may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank or financial institution to Developer for the Project, although no obligation is hereby imposed on Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishment, perfection and protection of its interest herein. Developer shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

Section 7.2. Transfer

Except as specified in Sections 7.1 and 8.1 hereof, Developer shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

ARTICLE VIII
MISCELLANEOUS

Section 8.1. Successors.

In the event of the dissolution, merger or consolidation of the City or Developer, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from

DRAFT

time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred.

Section 8.2. Parties-in-Interest.

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and Developer.

Section 8.3. Severability.

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 8.4. No Personal Liability.

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of the Developer contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of the Developer in his or her individual capacity, and no officer, employee or agent of the Developer shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

Section 8.5. Counterparts.

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

Section 8.6. Governing Law.

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

Section 8.7. Amendments.

DRAFT

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

Section 8.8. Integration.

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

Section 8.9. Dispute Resolution.

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Auburn, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

Section 8.10. Records.

The City shall maintain a record demonstrating its calculation of the Increased Assessed Value and Tax Increment Revenues within the District as it relates to deposits to the Development Program Fund pursuant to Article II and payments to the Developer under Article III of this Agreement, and shall provide Developer with a copy of the same upon request.

Section 8.11. Notices.

All notices, certificates, requests, requisitions or other communications by the City or Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

Phillip Crowell
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

With a copy to:

DRAFT

Alyssa C. Tibbetts, Esq.
Jensen Baird Gardner Henry
10 Free Street
P.O. Box 4510
Portland, Maine 04112

If to Developer:

Matt Leonard
Auburn Town Center Apartments, LLC
PO Box 293
Auburn, ME 04212

With a copy to:

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

[SIGNATURE PAGE TO FOLLOW]

DRAFT

IN WITNESS WHEREOF, the City and Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS: CITY OF AUBURN

_____ By:_____
Name: Phillip L. Crowell, Jr.
Its City Manager Duly Authorized by the City Council on _____

WITNESS: AUBURN TOWN CENTER APARTMENTS, LLC

_____ By:_____
Name:
Its:

DRAFT

Exhibit N - Municipality TIF Policy

CITY OF AUBURN
TAX INCREMENT FINANCING
&
CREDIT ENHANCEMENT
POLICY
AND
GUIDELINES

The following are the City of Auburn Tax Increment Financing (TIF) Policy and Credit Enhancement Agreement Application Guidelines.

I. Purpose and Introduction

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no decrease in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all of the incremental real and/or personal property tax revenues derived from new development or expansion of an existing development and provides a means of financing the economic and community development goals of Auburn as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. The captured tax revenues from a TIF District can be used to finance municipal investments and City infrastructure projects; and can also be used to provide incentive or financing to a private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines are to provide guidance and outline standards for the development of TIF's and CEA's in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with any or all of these guidelines, the creation of a TIF District or authorization of a Credit Enhancement Agreement is a policy decision of the City of Auburn to be evaluated by the City on a case-by-case basis. Adopting this policy or any TIF District does not create a right or entitlement to assistance by any applicant.

II. Eligibility for Assistance

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of $1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that provides developers with reimbursement of a percentage of the property tax revenue paid on the increased assessed value (or incremental value) of their property. Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing shall be held to receive public comment on a completed CEA application at least ten days prior to a meeting at which the CEA is being considered for approval by the City Council.

Ill. Application Process

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing TIF District are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECD). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City, and all recommendations for TIF assistance shall be based on the merits of the project and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. They will monitor ongoing investments in the development project if TIF assistance is granted.

All applicants for TIF assistance must pay a $500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee equal to 2% of the incremental tax reallocated back to the project will be assessed.

IV. Waiver of Provisions

The City of Auburn reserves the right under certain conditions to waive the provisions of the policy. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria to be considered with granting a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

V. Mandatory Guidelines

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the entire capital investments needed to undertake the project
- The project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- The developer is financially capable of undertaking the project
- The developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

VI. Guidelines that Determine the Level of Municipal Participation

Although the applicants' project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities that have applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

VII. Transfer of Ownership

If the applicant transfers ownership of property in the TIF District subject to a CEA to which the applicant is a party, the applicant must notify the City Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

VIII. Annual Expenditure of TIF Revenues for Municipal Projects

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.

ORDER 163-12042023

City Council Order

IN CITY COUNCIL

December 4, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Auburn Town Center Apartments, LLC for the commercial development of certain property within its T4.2 zoning district located at the intersection of Main Street and Academy Street; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Academy Street Housing Municipal Development and Tax Increment Financing District #31 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Order

economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #31 (the "Academy Street Housing Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Academy Street Housing Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District,

City Council Order

or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 164-12042023

Author: Glen E. Holmes, Director of Business & Community

Development **Subject**: TIF #32 – Mount Auburn Housing. Public Hearing.

Information:
The Mount Auburn Housing Tax Increment Financing District & Development Program (#32) will capture the value of two new multi-unit buildings totaling 101 residential apartments. The site will connect to existing City utilities, which will require improvements to roads, sidewalks and available utilities on or adjacent to the District.

City Budgetary Impacts:
The City intends to establish a new Tax Increment Financing District for the purpose of capturing tax revenues from new assessed value generated by investments made on these parcels. The captured revenue will be spent in a manner which limits impacts on the city budget for planned infrastructure improvements and services as outlined within the Project Cost budget included.

Staff Recommended Action:
Approval of Order as presented.

Previous Meetings and History:
n/a

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:
TIF#32 Application

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

a) Hold at least one public hearing,
b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
c) At the hearing, the legislative body of a municipality or plantation must consider:
    i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
    ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evident to that effect.

Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

(e-mailed applications are <u>not</u> accepted)

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD
   Refer to "Checklist for Municipal Tax Increment Financing (MTIF) Application" to ensure application completeness
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor's Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

If applicable,

1. Exhibit J: Project Costs Spreadsheet
   Refer to MTIF Application, "Checklist For MTIF Application"for required information
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Table of Contents **

SECTION 1- COVER LETTER AND APPLICATION COVER SHEET 2
SECTION 2 - PURPOSE/BASIS ORIGINAL/AMENDED APPLICATION 3
SECTION 3 - COMPANY/DEVELOPER INFORMATION 4
SECTION 4 - EMPLOYMENT GOALS/DATA 5
SECTION 5 - DEVELOPMENT PROGRAM 6
Public Project(s) 6
Private Project(s) 6
Program Duration 6
Original Assessed Value 7
SECTION 6 - FINANCIAL PLAN 8
Increased Assessed Value Information 8
Public Indebtedness 8
Anticipated Revenues 8
Credit Enhancement Agreement (CEA) 8
Development Program Fund and Tax Increment Revenues 10
Relocation of Person(s)/Business(es) 11
Transportation Improvements 11
Environmental Controls 11
District Operation 11
SECTION 7 - NOTICE AND HEARING 12
EXHIBIT A - STATUTORY REQUIREMENTS & THRESHOLDS 13
EXHIBIT B - ASSESSOR'S CERTIFICATE 15
EXHIBIT C - MAP OF DISTRICT LOCATION WITHIN MUNICIPALITY 16
EXHIBIT D - MAP OF DISTRICT BOUNDARIES 17
EXHIBIT E - ANNUAL REVENUE SPREADSHEET 18
EXHIBIT F - ANNUAL TAX SHIFT SPREADSHEET 19
EXHIBIT G - 10-DAY NOTICE OF PUBLIC HEARING 20
EXHIBIT H - MINUTES OF PUBLIC HEARING 21
EXHIBIT I - RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION 22
EXHIBIT J - PUBLIC PROJECT COSTS 23
EXHIBIT K - COMPREHENSIVE DOWNTOWN REDEVELOPMENT PLAN 24
EXHIBIT L - TRANSIT-ORIENTED DEVELOPMENT DISTRICT MAP 25
EXHIBIT M - CREDIT ENHANCEMENT AGREEMENT(S) 26
EXHIBIT N - MUNICIPALITY TIF POLICY 27

**see "Checklist for Municipal Tax Increment Financing (MTIF) Application" for instructions to automatically update the Table of Contents.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

Section 1- Cover Letter and Application Cover Sheet

1. **Name of municipal tax increment financing (TIF) district and development program:** #32 Mount Auburn Housing
2. **This is an** original application. **If an amendment, what amendment number?** Choose a number.
3. **Is this a Downtown designated TIF?** No.
   If yes, provide the following information regarding the *Downtown Redevelopment Plan:*
   a. **Name:** Click here to enter text
   b. **Date approved by municipal legislative body:** Click to enter a date. (Include verification of this approval with Exhibit I)
   The Downtown Redevelopment Plan must contain the components outlined in the DECD "Downtown Redevelopment Plan Criteria Checklist"
4. **Is this development district considered a/an [check the appropriate box(es)]?**
   ☐ **Industrial** ☑ **Commercial** ☐ **Transit-oriented** ☐ **Arts**
   If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)
5. **Municipality name:** City of Auburn
6. **Municipality address:** 60 Court St Auburn, ME 04210
7. **Municipality county:** Androscoggin
8. **Municipal telephone number:** 207-333-6601 ext. 1159
9. **Municipal official's name:** Phillip L. Crowell Jr.
10. **Municipal official's title:** City Manager
11. **Municipal official's e-mail address:** pcrowell@auburnmaine.gov
12. **If different from #9 above, contact person/consultant**: Alyssa Tibbetts
13. **Municipal contact/consultant phone number:** 207-775-7271
14. **Municipality contact/consultant e-mail address:** atibbetts@jensenbaird.com
15. **Municipality's assessor's name:** Karen Scammon
16. **Municipality's assessor's e-mail address:** KScammon@auburnmaine.gov

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

_____ _____
Signature Date

_____
Print municipal official's name & title

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, "headline" sentence explaining purpose/basis of this application.**
   Mount Auburn Housing District will soon realize the construction of 2 milti-unit buildings totaling 101 apartments.

2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.**
   This project will deliver 101 new residential units split between 2 new buildings. The site will connect to existing City utilities, which will require improvements to roads, sidewalks and available utilities on or adjacent to the District.
   Under this Development Program, the City will capture the increased assessed value of taxable real property over the original assessed value of the District and retain the tax revenues generated by the captured assessed value for designated economic development purposes. The calculation of TIF Revenues (as defined below) is more specifically described below in Section VI – Financial Plan. In the Assessor's Certificate attached as Exhibit B hereto, the Assessor has certified the original assessed value of the District.
   By adopting this Development Program, the City is creating a TIF district that will: (1) maintain existing tax revenues; (2) enjoy enhanced future tax revenues generated by new development within the District; and (3) shelter the captured assessed value from impacting the overall State valuation for the City of Auburn, thereby minimizing: (a) potential decreases in the City's State school subsidy and State revenue sharing, and (b) potential increases in the City's county tax assessments and local school district contributions.
   Further, approval of this Development Program and the designation of the District will have a neutral impact on the existing tax base; only the increased assessed value over the original assessed value within the District will be captured. In addition, at the end of the District and Development Program, the City expects to emerge with a substantial amount of new taxable property value to add to its municipal tax base.
   This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "TIF Statute"). Subsequent to a City Council vote designating the District and adopting this Development Program, evidenced by Exhibit I hereto, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 3 - Company/Developer Information

A. Business General Information
[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered]:

1. **Business name:** A.R. Building Company Inc.
2. **Business address:** 12 High St Riverwalk Unit #1 Westerly, RI 02891
3. **Business phone number:** Click here to enter text.
4. **Business contact person:** Emily Mitchell
5. **Business contact person e-mail address:** Click here to enter text.
6. **Principal place of business:** 12 High St Riverwalk Unit #1 Westerly, RI 02891
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Click here to enter text.
8. **Place of incorporation:** Rhodes Island
9. **Name of Officer(s):** Click here to enter text.
10. **Name of principal owner(s) name:**

11. **Address:** Click here to enter text.
12. **Brief project description:** Click here to enter text.
13. **Total amount of project new investment by company/developer: $** $
14. **Will there be a credit enhancement agreement with this business?** No, none contemplated at this time. Formal amendment would be needed.

B. Disclosure, only in cases where a CEA is offered to the above business:

1. Check the public purpose(s) that will be met by the business using this incentive:

☐ **job creation** ☐ **job retention** ☐ **capital investment**
☐ **training investment** ☐ **tax base improvement** ☐ **public facilities improvement**
☐ **other (list):** Click here to enter text.

2. Check the specific item(s) for which TIF revenues will be used by the business:

☐ **real estate purchase** ☐ **machinery & equipment purchase** ☐ **training costs**
☐ **debt reduction**
☐ **other (list):** Click here to enter text.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (**If a developer**, check box ☒, and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
*See Occupational Cluster Descriptions for more information.			

INSTRUCTIONS

A. Job Creation Goals. Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, "full-time" employment means 30 hours or more; "part-time" employment means less than 30 hours. "Wage level" means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, "type" means "occupational cluster" which refers to the 12 categories listed in the "Occupational Cluster Descriptions." Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

B. Job Retention Goals. Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 5 - Development Program

Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?** Yes. See Exhibit J.

Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** Yes. **If yes, provide a brief, clear description:** Developers intend to construct a new residential housing.

Program Duration

3. **Duration of development district (may not exceed 30 years):**
   a. **District term: Original application**: 30.
   If an amendment, adding how many years? Choose a number **totaling how many years?** Choose a number.
   b. **Start date of** April 1, 2024 **with fiscal year** beginning July 1, 2024 (captured assessed value as of April 1, 2024).
   [Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]
   c. **End date of** March 31, 2054 **with fiscal year** ending June 30, 2054.

Original Assessed Value

4. **Provide the taxable assessed value of the development district as of the March 31st of the tax year preceding the property tax year in which the district was designated by the legislative body.**

			OAV of Real Property	OAV of Personal Property	As of (complete year)		Total acres
Original district			$1,439,400.00	$0.00	3/31/2023		29.120
Amendment: (If applicable, with any property added/removed)	#1	-				-	
		+			3/31/____	+	
	#2	-				-	
		+			3/31/____	+	
	#3	-				-	
		+			3/31/____	+	
	#4	-				-	
		+			3/31/____	+	
	#5	-				-	
		+			3/31/____	+	
	#6	-				-	
		+			3/31/____	+	
	#7	-				-	
		+			3/31/____	+	
	#8	-				-	
		+			3/31/____	+	
	#9	-				-	
		+			3/31/____	+	
	#10	-				-	
		+			3/31/____	+	
Total	N/A				N/A		

***Municipal Assessor must certify above original assessed value(s) (Exhibit B).

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Section 6 - Financial Plan

Increased Assessed Value Information

1. **Total estimated cost for the development program: $** 4,948,125.00 (Should match "total" from Exhibit J)
2. **Municipality will capture** 100 **of** real property only **increased assessed value for each year of the district term, to apply to the development program.** Click here to enter text, if needed.
3. **If #2 above's captured assessed value is less than 100%, besides the district's original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** Click here to enter % to be deposited in General Fund/Education & Services fund.

Public Indebtedness

4. **Will there be public indebtedness?** Yes, to be determined.
    a. **If yes, what is the projected amount of public indebtedness to be incurred?** The City will not incur any indebtedness at this time; however, the City may elect to do so at a future date at the descretion of its City Council.
    b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** Choose an item. **If yes, provide the status, such as years left on bond and amount of outstanding debt.** Click here to enter text.

Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** The source of the revenue to be used to pay the costs of the public projects set forth in this Development Program is the Tax Incrementon the increased Assessed Value of the District. Tax increment means all property taxes assessed by the City, in excess of any state, county or special district tax, upon the increased assesed value of all real property in the District. Increased assessed value means the valuation amount by which the current assessed value of the District exceeds the taxable original assessed value of the real property in the District. Current assessed value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property taxes means any and all ad valorem propert taxes levied, charged or assessed against real property by the City. Original assessed value means the taxable assessed value of real property in the District as of March 31, 2023 (April 1, 2022). All property tax on the original assessed value shall continue to be deposited into the City's general fund.
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** None.

Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
    a. **Will CEAs be offered as part of this development program?** No, a formal amendment to this Development Program will be necessary, after going through the Public Process.
    b. **List name(s) of company/developer to be offered a CEA:** Click here to enter text.
        i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** Click here to enter text.
    c. **Is this an omnibus application?** No.
    If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s): Click here to enter text.

d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Development Program Fund and Tax Increment Revenues

Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and

2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and

2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X_____
Initial & date

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X_____
Initial & date

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Relocation of Person(s)/Business(es)

8. No persons will be displaced as a result of the development activities proposed within the District.

Transportation Improvements

9. The existing transportation facilities of the City will be adequate to accommodate the development activities within the District.

Environmental Controls

10. The improvements made under this Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements of the city.

District Operation

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
    a. **Public capital improvements:** The City expects to construct improvements to ... Otherwise, the day-to-day operations of the District will not require substantial efforts by the City, other than staffing and programming primarily conducted by the City Manager's office and the Business and Community Development Office.
    b. **Private capital improvements:** The private improvements contemplated to occur within the District are expected to be funded solely by the developer. The City will not be responsible for the funding or operation of private capital improvements within the District.

Section 7 - Notice and Hearing

1. **Date of public notice (must be minimally 10 days before the public hearing):** Click to enter a date.
   For Exhibit G, provide a legible **copy** of the newspaper page showing the public hearing , newspaper name and date of publication.

2. **Date of public hearing:** December 4, 2023
   For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.

3. **Date municipal or plantation legislative body approved original district designation:** Click to enter a date.
   Date municipal or plantation legislative body adopted original development program: Click to enter a date.
   If an amendment, is it to the:
   - ☐ **district. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   - ☐ **development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.
   - ☐ **district and development program. Provide date municipal or plantation legislative body approved:** Click to enter a date.

   For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.

4. **Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit A - Statutory Requirements & Thresholds

**round to second decimal place

SECTION A. | Acreage Caps		
1. Total **municipal** acreage	41,430	
2. Acreage of **proposed** Municipal TIF District (if amendment, proposed updated total acreage)	29.12	
3. **Downtown-designation**[1] acres in proposed Municipal TIF district	0	
4. **Transit-Oriented Development**[2] acres in proposed Municipal TIF district	0	
5. **Total acreage [=A2-A3-A4]** of proposed Municipal TIF district counted toward 2% limit	29.12	
6. **Percentage [=A5÷A1]** of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)	0.07	
7. **Total acreage** of all existing/proposed Municipal TIF districts in municipality **including** Municipal Affordable Housing Development districts:[3] See attached list.	Existing	668.51
	Proposed	29.12
	Total	697.63
30-A § 5223(3) EXEMPTIONS[4]		
8. Acreage of an existing/proposed **Downtown** Municipal TIF district	247.55	
9. Acreage of all existing/proposed **Transit-Oriented Development** Municipal TIF districts:	0	
10. Acreage of all existing/proposed **Community Wind Power** Municipal TIF districts:	0	
11. Acreage in all existing/proposed Municipal TIF districts **common to**[5] Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such acreage also factored in Exemptions 8-10 above:	0	
12. **Total acreage [=A7-A8-A9-A10-A11]** of all existing/proposed Municipal TIF districts counted toward 5% limit	450.08	
13. **Percentage of total acreage [=A12÷A1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)	1.09%	

14. **Real property** in proposed Municipal TIF District that is:	ACRES	% **[=Acres÷A2]**
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	29.12	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		100%

[1] Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).
[2] For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.
[3] For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B must exclude AH-TIF valuation.
[4] Downtown/TOD overlap nets single acreage/valuation caps exemption.
[5] PTDZ districts approved through December 31, 2008.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Department of Economic and Community Development
Municipal Tax Increment Financing
Application

SECTION B. | Valuation Cap		
1. **Total TAXABLE** municipal valuation— as of April 1, 2023		$2,253,171,176
2. **Taxable Original Assessed Value (OAV)** of proposed Municipal TIF District as of March 31, 2023 (April 1, 2022)		$1,439,400
3. **Taxable OAV of all** existing/proposed Municipal TIF districts in municipality **excluding** Municipal Affordable Housing Development districts: See attached list.	Existing	$105,704,200
	Proposed	$1,439,400
	Total	$107,704,200
30-A § 5223(3) EXEMPTIONS		
4. **Taxable OAV** of an existing/proposed **Downtown** Municipal TIF district		$80,002,900
5. **Taxable OAV** of all existing/proposed **Transit-Oriented Development** Municipal TIF districts		0
6. **Taxable OAV** of all existing/proposed **Community Wind Power** Municipal TIF districts		0
7. **Taxable OAV** of all existing/proposed **Single Taxpayer/High Valuation**[6] Municipal TIF districts		0
8. **Taxable OAV** in all existing/proposed Municipal TIF districts **common to** Pine Tree Development Zones per 30-A § 5250-I (14)(A) **excluding** any such OAV also factored in Exemptions 4-7 above:		0
9. **Total taxable OAV [=B3-B4-B5-B6-B7-B8]** of all existing/proposed Municipal TIF districts counted toward 5% limit		$27,140,700
10. **Percentage of total taxable OAV [=B9÷B1]** of all existing/proposed Municipal TIF districts (CANNOT EXCEED 5%)		1.21%

COMPLETED BY			
PRINT NAME	Alyssa Tibbetts		
SIGNATURE		DATE	
If this form has **not been completed by the municipal or plantation assessor**, the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME	Karen Scammon		
SIGNATURE		DATE	

[6] For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT A: Existing Active TIF Districts

District Number	District Name	OAV	Acreage
6	Proctor & Gamble (Tambrands II)	$ 520,900.00	84
10	Downtown Omnibus (pending amendment)	$ 80,002,900.00	247.55
12	Auburn Industrial Park	$ 334,200.00	144
13	Retail Development	$ 5,425,400.00	29.67
14	Mall Revitalization	$ 11,328,400.00	38.91
15	Mall Area Hotel	$ 4,900.00	1.5
16	Webster School (affordable housing)	$ -	1.4
19	Hartt Transportation Center	$ 1,278,600.00	43
20	62 Spring Street	$ 474,300.00	0.81
21	477 Minot Avenue (affordable housing)	$ -	3.83
22	Hampshire Street (affordable housing)	$ -	1.01
23	Memory Care	$ 327,100.00	8.61
24	Gracelawn	$ 262,600.00	2.92
25	FutureGuard	$ 3,838,700.00	26.2
26	North River Road Apartments	$ 60,300.00	3.32
27	Stable Ridge	$ 235,500.00	13.19
28	Agren Applicance	$ 1,051,500.00	11.64
29	186 Main Street (pending approval)	$ 40,000.00	0.16
30	Diamond Point Storage (pending approval)	$ 518,900.00	5.46
31	Academy Street Housing (pending approval)	$0	1.33
	TOTAL	**$ 105,704,200.00**	**668.51**

Exhibit B - Assessor's Certificate

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT B: Assessor's Certificate

CITY OF AUBURN
CERTIFICATE OF ASSESSOR

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the Auburn Municipal Tax Increment Financing District #32, the Mount Auburn Housing Development District, as described in the Development Program for the District and as identified in more detail below, was $1,439,400 as of March 31, 2023 (April 1, 2022).

Map/Lot	Address	Acres	Original Assessed Value
279-007	Mount Auburn Avenue	4.8	$881,000
279-006-001	Mount Auburn Avenue	2.92	$536,700
279-004	Summer Street	21.4	$21,700
	TOTAL	**29.12**	**$1,439,400**

This Certificate has been executed as of this ____ day of November, 2023.

_____
Karen Scammon, Municipal Assessor

Exhibit C - Map of District Location within Municipality

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #32 – Exhibit C
Map of District Location within Municipality

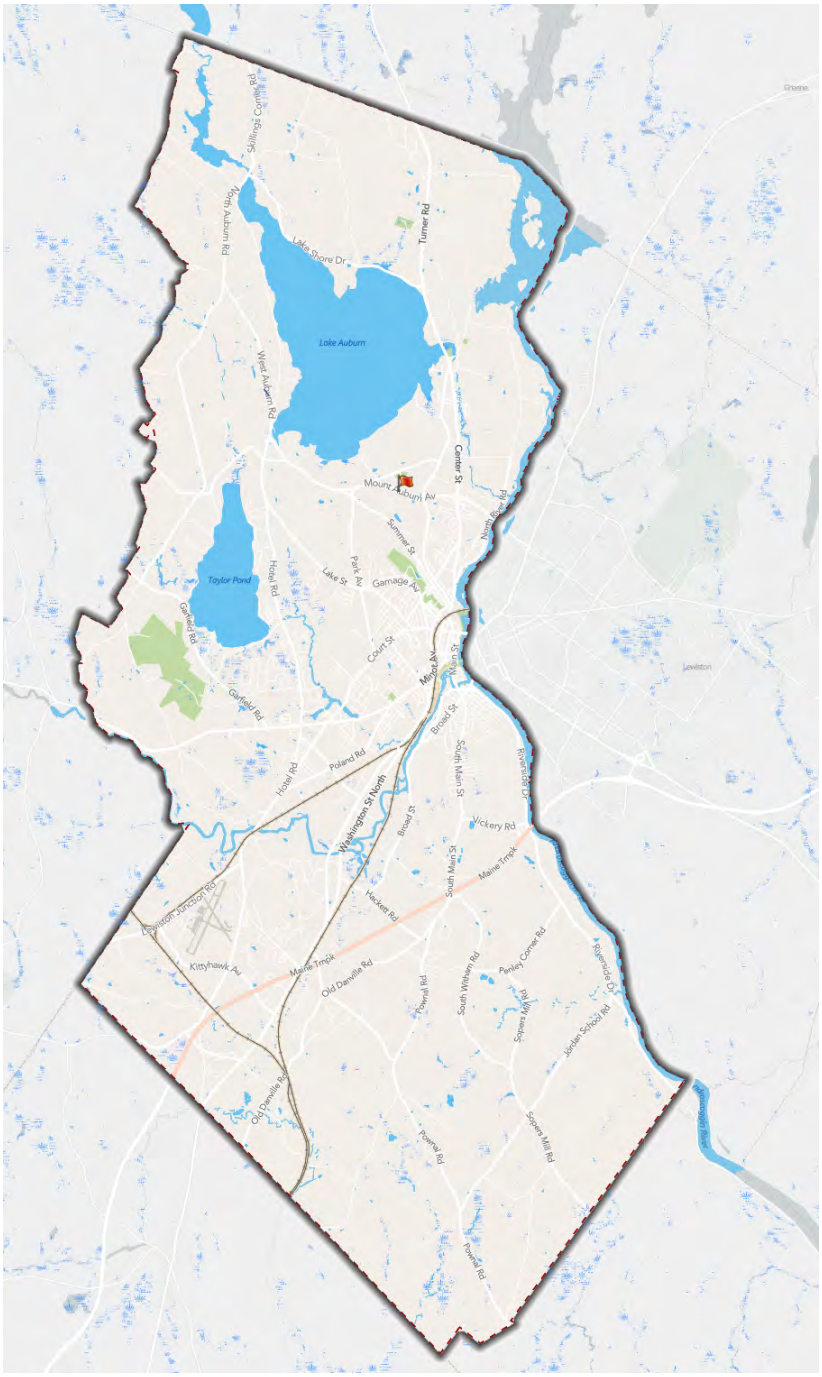


Exhibit D - Map of District Boundaries

City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

TIF #32 – Exhibit D
Map of District Boundaries

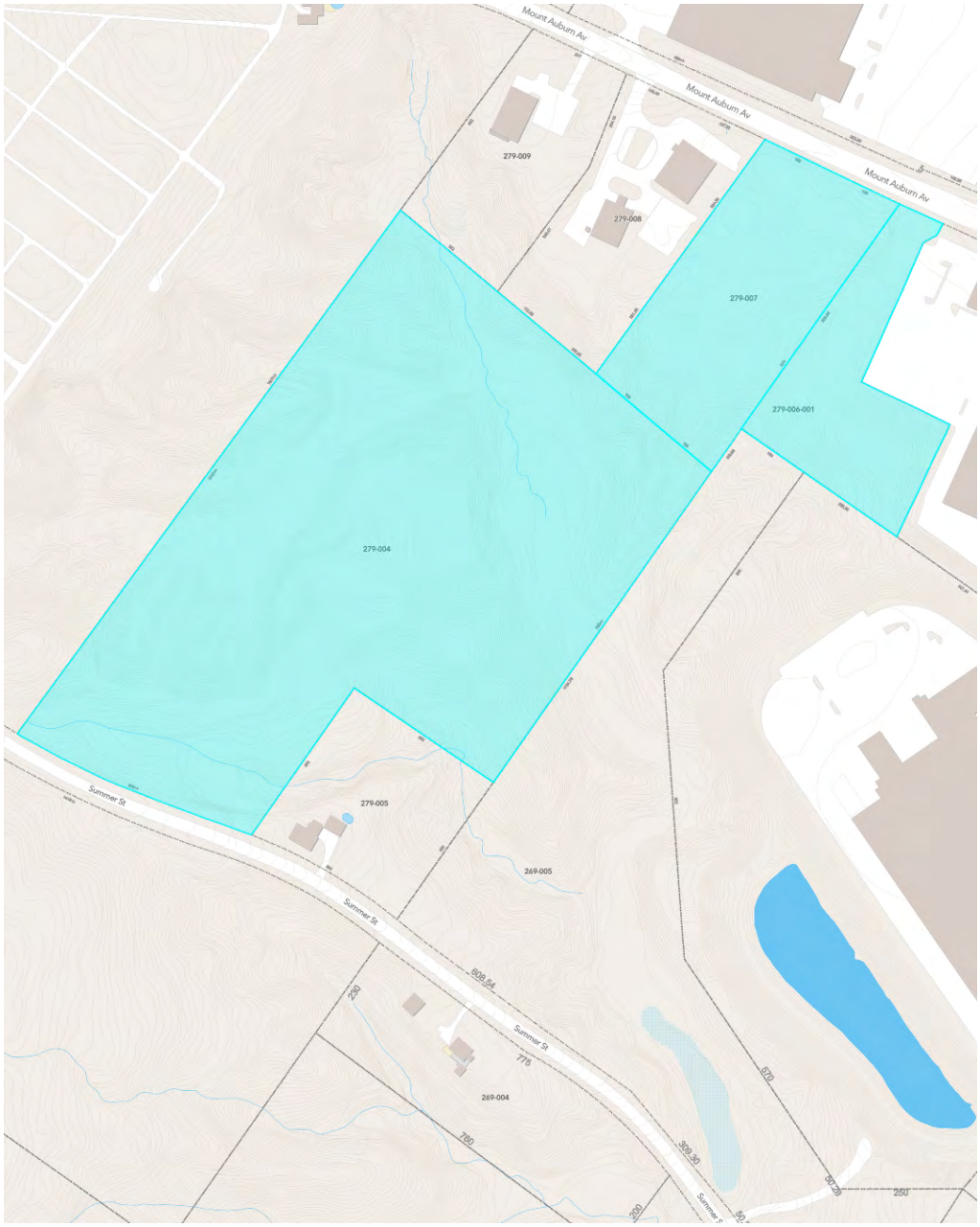


Exhibit E - Annual Revenue Spreadsheet

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT E : Annual Revenue Spreadsheet TIF Name: **TIF #32 -Mt Auburn Housing**

TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Original Assessed Value (OAV)	Increased Assessed Value (IAV)	Captured Assessed Value (CAV) %	MIL Rate	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV	CEA Payments to Developer %	Net Revenue on CAV to Development
1	2024	2025	**$1,439,400.00**		**100.0%**	**$22.75**	$32,746.35			0.0%	
2	2025	2026	$1,439,400.00	**$7,500,000**	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
3	2026	2027	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
4	2027	2028	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
5	2028	2029	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
6	2029	2030	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
7	2030	2031	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
8	2031	2032	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
9	2032	2033	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
10	2033	2034	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
11	2034	2035	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
12	2035	2036	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
13	2036	2037	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
14	2037	2038	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
15	2038	2039	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
16	2039	2040	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
17	2040	2041	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
18	2041	2042	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
19	2042	2043	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
20	2043	2044	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
21	2044	2045	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
22	2045	2046	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
23	2046	2047	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00	$0.00	$170,625.00
24	2047	2048	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00		$170,625.00
25	2048	2049	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00		$170,625.00
26	2049	2050	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00		$170,625.00
27	2050	2051	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00		$170,625.00
28	2051	2052	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00		$170,625.00
29	2052	2053	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00		$170,625.00
30	2053	2054	$1,439,400.00	$7,500,000	$7,500,000	$22.75	$32,746.35	$170,625.00	$170,625.00		$170,625.00
						30 Year TIF Totals=	**$982,390.50**	**$4,948,125.00**	**$4,948,125.00**	**$0.00**	**$4,948,125.00**
						Annual Average=			**$164,937.50**	**$0.00**	**$164,937.50**

Assumptions:

The OAV of the District consists of the parcel(s) identified within the Certificate of Assessor (Exhibit B) and a map of the District can be found in Exhibit C-D.

The IAV are estimates only based on the preliminary development plan. Actual IAV figures in each year may vary and as a result the projections are subject to change.

The City intends to capture: 100.0% of both real & personal property within the district.

The Mil Rate is $22.75 and is based on the current rate at time of application. This rate may change each year and as a result projections are subject to change.

The Development Program authorizes the city to enter into a credit enhancement agreement for reimbursement up to 0.0%

The Development Program established a cap of total cumulative reimbursement of no more than $0.00

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit F - Annual Tax Shift Spreadsheet

EXHIBIT F : Annual Tax Shift Spreadsheet				TIF Name: TIF #32 -Mt Auburn Housing			
TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Education Shift (Avoided Loss) State MIL Rate	Revenue Sharing Shift (Avoided Loss)	County Tax Shift (Avoided Increase)	Total Tax Shift	Net Revenue from CAV to Gen Fund (w/out TIF)
1	2024	2025	$6.97				
2	2025	2026	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
3	2026	2027	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
4	2027	2028	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
5	2028	2029	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
6	2029	2030	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
7	2030	2031	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
8	2031	2032	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
9	2032	2033	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
10	2033	2034	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
11	2034	2035	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
12	2035	2036	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
13	2036	2037	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
14	2037	2038	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
15	2038	2039	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
16	2039	2040	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
17	2040	2041	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
18	2041	2042	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
19	2042	2043	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
20	2043	2044	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
21	2044	2045	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
22	2045	2046	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
23	2046	2047	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
24	2047	2048	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
25	2048	2049	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
26	2049	2050	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
27	2050	2051	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
28	2051	2052	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
29	2052	2053	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
30	2053	2054	$52,275.00	$21,576.11	$7,720.45	$81,571.56	$89,053.44
		30 Year TIF Totals=	$1,515,981.97	$625,707.22	$223,892.94	$2,365,575.16	$2,582,549.84
		Annual Average=	$50,532.73	$20,856.91	$7,463.10	$78,852.51	$86,084.99

Assumptions:

The tax shifts resulting from sheltering of valuation from the state school funding formula are based on the state EPS funding model at the most recent MIL rate published. The estimated MIL rate indicated above is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the City avoids having to raise an amount equal to the valuation sheltered. The education rate used to calculate the education tax shift is based on the most recent adjusted mill rate of the Auburn Public School District.

The tax shifts resulting from the sheltering of valuation from the state revenue sharing formula are based on the most recent data available from Maine Revenue Services for the most recent fiscal year as published by the Office of the State Treasurer.

The tax shifts resulting from the sheltering of valuation from the County tax assessment are based on the actual Androscoggin County tax assessments for the most recent five years.

The OAV of the District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

These tax shift estimates are based on a captured assessed value of	100.0%	of the estimated IAV.
The projected tax revenue is based on the estimate of increased assessed value multiplied by a MIL rate of		$22.75

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.

Exhibit G - 10-Day Notice of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

EXHIBIT G: 10-Day Notice of Public Hearing

CITY OF AUBURN
NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on December 4, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #32 the "Mount Aubutn Housing" Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 29.12 acres, which includes three parcels located on Mount Auburn Avenue and Summer Street, identified on the City's tax maps as Map 279, Lots 007, 006-001, and 004. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new multi-unit housing facility by A.R. Building Company, Inc.

The City proposes to allocate all of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City's use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects.

A copy of the proposed Development Program for the new District is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

Exhibit H - Minutes of Public Hearing

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

Exhibit I - Record of District Designation and Development Plan Adoption

Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.

ORDER OF THE AUBURN CITY COUNCIL
December 4, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from A.R. Building Company, Inc. for the commercial development of certain property within its _____ zoning district located on Mount Auburn Avenue and Summer Street; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Mount Auburn Housing Municipal Development and Tax Increment Financing District #32 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #32 (the "Mount Auburn Housing Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Mount Auburn Housing Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

This Order shall take effect immediately upon adoption.

Exhibit J - Public Project Costs

EXHIBIT J: Public Project Costs

	Project	Maximum Percentage of CAV	Cost Estimate*	Statutory Citation
1	Administrative & Professional Services Costs: Costs of prorated portion of salaries of City staff for time associated with creation and administration of District, and fund costs of professional services associated with creation and administration of District. Costs related to the administration and facilitation of management and monitoring of this TIF, not to exceed the indicated percentage of the revenue generated from captured assessed value of the development district.[3]	5.0%	$247,406	30-A M.R.S. §5225(1)(A)(4); (1)(A)(5); (1)(A)(7)
2	Economic Development Programs: Costs of the City's economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City's Economic Development Department. Costs related to the economic development programs, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[2, 3]	5.0%	$247,406	30-A M.R.S. § 5225(1)(C)(1); (1)(C)(3);
3	Road Improvements within our outside the district: Design, construction, engineering, other associated costs of road construction, sidewalk and pedestrian crossing safety improvements on roads located within the District or outside the District but directly related to or made necessary by the District, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.[3]	15.0%	$742,219	30-A M.R.S. § 5225(1)(A)(1); (1)(B)(1)
4	Public Safety Facility within the city: Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the revenue generated from the captured assessed value of the development district.[1, 3]	15.0%	$742,219	30-A M.R.S. § 5225 (1)(C)(9)

EXHIBIT J: Public Project Costs

5	Public Infrastructure within or outside the district: Eligible recreational trail-related development district capital costs include but are not limited to new or existing trails, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses, signs, crosswalks, signals and warning systems and other related improvements, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	10.0%	$494,813	30-A M.R.S. §5225(1)(A)(2)
6	Housing Development within the city: Costs associated with the development and operation of housing, including, but not limited to, authorized project costs for improvements as described in section 5249 even if such improvements are not made within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	25.0%	$1,237,031	30-A M.R.S. § 5225 (1)(A)(9); 30-A M.R.S. § 5249 (1)(A)(5); (1)(A)(7)
7	Economic Development related to Housing within the city: Costs of improvements that are made outside the tax increment financing district but are directly related to or are made necessary by the establishment or operation of the district, including, but not limited to project costs for improvements as described in section 5249 in support of municipal economic development activities regardless of whether such costs are within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	15.0%	$742,219	30-A M.R.S. § 5225 (1)(B)(4); 30-A M.R.S. § 5249 (1)(A)(8)
8	Administrative Facilities: Capital costs related to the construction or renovation of the City's central administrative office, the need for which is related to economic development within the City, up to 50% of such costs, not to exceed 15% of the captured assessed value within the District.	10.0%	$494,813	30-A M.R.S. § 5225(1)(C)(12)
		100.0%	**$4,948,125**	

*These are estimates only. The City may allocate revenues generated by the district across approved project cost categories as needed.

Similar program costs contained within other current and future TIFs may be combined.

[1] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, and #6.

[2] The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, #10, #6.

[3] The use of TIF revenue for this project cost has also been authorized in the City's TIF District #28.
All of the foregoing project cost categories have also been authorized in the City's TIF District #29, #30 and #31 (pending approval).

Exhibit K - Comprehensive Downtown Redevelopment Plan

N/A

Exhibit L - Transit-Oriented Development District Map

N/A

Exhibit M - Credit Enhancement Agreement(s)

Exhibit N - Municipality TIF Policy

CITY OF AUBURN
TAX INCREMENT FINANCING
&
CREDIT ENHANCEMENT
POLICY
AND
GUIDELINES

The following are the City of Auburn Tax Increment Financing (TIF) Policy and Credit Enhancement Agreement Application Guidelines.

I. Purpose and Introduction

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no decrease in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all of the incremental real and/or personal property tax revenues derived from new development or expansion of an existing development and provides a means of financing the economic and community development goals of Auburn as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. The captured tax revenues from a TIF District can be used to finance municipal investments and City infrastructure projects; and can also be used to provide incentive or financing to a private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines are to provide guidance and outline standards for the development of TIF's and CEA's in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with any or all of these guidelines, the creation of a TIF District or authorization of a Credit Enhancement Agreement is a policy decision of the City of Auburn to be evaluated by the City on a case-by-case basis. Adopting this policy or any TIF District does not create a right or entitlement to assistance by any applicant.

II. Eligibility for Assistance

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of $1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that provides developers with reimbursement of a percentage of the property tax revenue paid on the increased assessed value (or incremental value) of their property. Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing shall be held to receive public comment on a completed CEA application at least ten days prior to a meeting at which the CEA is being considered for approval by the City Council.

Ill. Application Process

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing TIF District are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECD). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City, and all recommendations for TIF assistance shall be based on the merits of the project and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. They will monitor ongoing investments in the development project if TIF assistance is granted.

All applicants for TIF assistance must pay a $500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee equal to 2% of the incremental tax reallocated back to the project will be assessed.

IV. Waiver of Provisions

The City of Auburn reserves the right under certain conditions to waive the provisions of the policy. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria to be considered with granting a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

V. Mandatory Guidelines

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the entire capital investments needed to undertake the project
- The project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- The developer is financially capable of undertaking the project
- The developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

VI. Guidelines that Determine the Level of Municipal Participation

Although the applicants' project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities that have applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

VII. Transfer of Ownership

If the applicant transfers ownership of property in the TIF District subject to a CEA to which the applicant is a party, the applicant must notify the City Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

VIII. Annual Expenditure of TIF Revenues for Municipal Projects

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.

ORDER 164-12042023

City Council Order

IN CITY COUNCIL

December 4, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from A.R. Building Company, Inc. for the commercial development of certain property within its General Business & Rural Residential zoning districts located on Mount Auburn Avenue and Summer Street; and

WHEREAS, adopting and implementing the proposed District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Mount Auburn Housing Municipal Development and Tax Increment Financing District #32 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and

City Council Order

valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #32 (the "Mount Auburn Housing Development District") as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Mount Auburn Housing Development District in the form presented to the City Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion

City Council Order

of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

This Order shall take effect immediately upon adoption.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Ordinance:** 28-12042023

Author: John Blais

Subject: First Reading on proposed (11) votes/text amendments applied to the Lake Auburn watershed.

Information: Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Since December of 2021, several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District have been proposed. These amendments include 1.) changes to the private subsurface wastewater disposal system design and site standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer widths from Lake Auburn and its tributaries and streams; and 3.) prohibiting new non-hobby agricultural farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn as Auburn and Lewiston's drinking water supply by updating subsurface wastewater disposal standards and environmental regulations to meet current best practices and modern science. A culmination of all amendments was proposed at the November 14, 2023 Planning Board meeting and had favorable recommendation from the Planning Board and recommended these go forward with the contingency that Rural Residential (1 acre minimum) zoning within the watershed be changed to Low-Density Country Residential (3 acres-minimum) and are now ready for review and vote by the city council.

These amendments have been collectively reviewed by outside subject matter experts to include former State of Maine Soil Scientist and State of Maine licensed Soil Scientist and Site Evaluator, David Rocque. University of Rhode Island, Director of the Onsite Wastewater Resource Center, Alissa Cox PhD. In addition, the Lake Auburn Water Quality Ad-Hoc Committee has reviewed and recommends the adoption of the zoning ordinance text amendments.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council discuss the proposals and issue the first vote on adoption of text **ordinance changes described in version B**.

Previous Meeting History:

December 21, 2021: city council directive to amend watershed boundary
January 2, 2022: council directs planning board to consider certain septic requirement text change

January 3, 2022: city council workshop to change boundary of watershed and change from AG to CDD
January 11, 2022: planning board workshop on amending watershed boundary
February 8, 2022: planning board public hearing on changing Gracelawn area from AGRP to GB and moving the CDD boundary to match the newly interpreted watershed boundary (favorable recommendation)
March 7, 2022: city council first reading on amending 148 Gracelawn area from AGRP to GB
March 21, 2022: city council second reading on amending a slightly reduced area in the Gracelawn area from AGRP to GB (passes)
April 12, 2022: planning board workshop and public hearing on updating subsurface wastewater (SSWW) standards (favorable recommendation contingent upon RR to LDCR zone change)
April 19, 2022: city council workshop on Lake Auburn watershed updates
May 2, 2022: city council first reading on updating SSWW standards and increasing agricultural buffer strip (favorable vote). also asks board to consider reducing housing density in the watershed
May 3, 2022: special planning board workshop to consider changing RR to LDCR in the watershed
August 9, 2022: planning board workshop on FB Environmental Report
August 9, 2022: City Clerk verifies signatures on petition to repeal watershed boundary
August 15, 2022: city council workshop on RR to LDCR
September 6, 2022: City council repeals Ordinance 08-03072022 (watershed boundary)
October 11, 2022: planning board review text amendment to increase ag. buffer strips and update SSWW requirements (favorable recommendation)
January 17, 2023: city council directs staff to initiate prohibition on new residences and animal farms in Lake Auburn watershed also in AGRP zone
January 17, 2023: city council directs planning board to consider that no future SSWW systems be allowed within 300 feet of Lake Auburn
September 18, 2023: DWP Potential Boundary wrote favorable letter for new line by Maine Drinking Water
September 26, 2023: Oct 10, 2023, PB workshop, Oct. 16, 2023 CC workshop, Lake Auburn Water Quality Ad-Hoc Committee issues memo recommending AWSD and LWD forward new boundary to DWP, October 17, 2023, URI makes recommendation on peer review to staff, October 17, 2023. November 14, PB public hearing.
November 20, 2023: Passage of first reading.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Proposed Ordinance changes Version B, planning board motion, planning board staff report (text amendments) DWP memo, LWD memo, Lewiston memo, City of Auburn Memo, Letter from Heather Hunter, Lewiston Administrator, Vote sheet language for CC.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 165-12042023

Author: Sally Daggett, City Attorney

Subject: City Manager Contract

Information:

The City Council met in executive session and assigned Councilors Walker and Staples to review the annual evaluation and any amendments to the City Manager's contract. The Council expressed general agreement on amendments to the contract for City Manager Phillip L. Crowell, Jr. with term to begin July 1, 2023 and end June 30, 2028. All terms and conditions are outlined in the contract. The new contract needs approval from the full Council.

City Budgetary Impacts: As outlined in the contract.

Staff Recommended Action: N/A

Previous Meetings and History: Executive Session June 5, 2023, July 10, 2023, and August 21, 2023

City Attorney Comments:

I have reviewed the contract as to form and recommend approval. Signature: Sally Daggett

---

Attachments:

City of Auburn, Maine
Office of the City Manager
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

City of Auburn
Employment Contract

This Agreement is made and entered into this 30th day of June, 2023 by and between the City of Auburn, a municipal corporation duly organized and existing under the laws of the State of Maine (hereinafter "the City") by and through its City Council and Phillip L. Crowell, Jr., (herein referred to as the ("City Manager").

The City Council desires to employ Phillip L. Crowell, Jr. as City Manager and Phillip L. Crowell, Jr. desires to accept employment as the City Manager of the City of Auburn. The parties desire to enter into this agreement to establish the terms and conditions of employment, as negotiated and agreed to by the parties.

Now, therefore in recognition of the foregoing and in consideration of the mutual promises and covenants thereinafter set forth, the parties agree as follows:

Section 1. Duties

The City hereby agreed to employ Phillip L. Crowell, Jr. as City Manager of the City of Auburn on July 1, 2020, to perform the functions and duties applicable to state statutes, including but not limited to 30-A MRSA ss 2636 and the City Charter, and Code of Ordinances as the same now exists or may be amended. The City Manager agrees to well and faithfully serve the City in said capacity and devote his time, attention and energies to the performance of his duties hereunder to the best of his ability.

Section 2.Term

The term of this agreement shall be for five years commencing on July 1, 2023 and shall continue until June 30, 2028. Upon the successful completion of an annual year-end performance evaluation, the agreement will be automatically extended an additional one (1) year after that date upon mutual agreement between the City Council and the City Manager unless terminated pursuant to this agreement or unless a specific term is provided for by a subsequent amendment to this agreement.

Section 3. Salary and Fringe Benefits

The City Manager will be compensated at an annual salary of $155,218 to be paid weekly at $2,985/week. Annual salary increases will be done in conjunction with the Council's annual performance evaluation of the City Manager. The normal work week is a minimum of 40 hours per week. The position is exempt from overtime and the City Manager is expected to attend Council meetings and workshops, budget meetings, and other meetings and community events which may be held during evenings, early mornings, weekends and holidays and to work the hours necessary to meet workload demands. The City Manager is also expected to be available for large scale emergencies or events that need the support of the City Manager's Office or of the Mayor and City Council. The City Manager will receive the normal benefits package as provided for full time, regular exempt Non-union employees except with the following:

Vacation- The City Manager will accrue 20 hours per month at the end of the month or 30 days per year. All previous balances of vacation time will carry over at the signing of this contract. The vacation accrues from year to year up to a maximum of 440 hours or 55 days, total.

Cell Phone Stipend- The City will contribute $70.00 per month stipend toward the cost of the City Manager's personal cell phone in lieu of his participation in the City's cell phone contract.

Retirement- The employee is currently enrolled in the ICMA-RC (International City Managers Association Retirement Corporation) Executive 401 account. The City will contribute twenty percent (20%) into the account and will match the employee's contribution up to an additional 5% more.

The City Manager will receive other benefits offered to all non-union employees.

Section 4. Residency

The City Manager will be required to reside within the corporate boundaries of the City of Auburn throughout the duration of this agreement.

Section 5. CALEA Assessor

The City agrees to allow the City Manager, a CALEA Assessor, to conduct three (3) assessments per year with the City providing for 50% of time necessary for the assessment with paid time off and the City Manager will use accrued time off for the remaining absence.

Section 6. Performance Evaluation

The City Council should conduct an employment performance evaluation of the City Manager prior to the first six (6) month anniversary, and an annual evaluation at the first anniversary and every twelve (12) months thereafter. The City Manager may elect to have other periodic evaluations if he so chooses.

Section 7. Professional Development

The City agrees to pay, within the budgetary constraints of the Manager's professional development budget, the necessary expenses for the Manager to continue his professional development, including but not limited to annual ICMA conferences, the Maine Municipal Association annual convention and other training programs, the Maine Town /City Management Association and other regional, statewide and national governmental groups or committees which the Manager serves as a member. The City Manager should be certified with the International City Manager's Association ("ICMA"), within 18 months of the effective date of this contract, unless otherwise approved by the City Council.

Section 8. Automobile Allowance

The City shall pay to the Manager a monthly automobile allowance of $300.00. This is intended to reimburse and cover the Manger for all City business travel required on the Manager's personal automobile and will be taxed according to applicable IRS guidelines.

Section 9. Termination and Severance

The City Manager agrees to provide the City of Auburn with 60 days written notice of separation of employment. The City Manager will receive cash out for all allowable accrued time, and no severance pay. If employment is terminated for any reason other than legitimate disciplinary actions, the City Manager will be eligible for compensation equal to the amount of the term agreement or a severance equal to six months of salary whichever is greater and six months of health insurance coverage, and vacation and sick time cash out. Termination of the City Manager's employment by the City Council pursuant to the applicable section of the Auburn City Charter for just cause voids the City's obligation to pay severance under this section.

Section 10. General Provisions

A. The text herein, as well as any laws or ordinances reference herein, shall constitute the entire agreement between the parties.
B. This agreement may only be amended or modified in writing
C. The parties acknowledge and agree that this Agreement was freely negotiated and entered into, and that the event of a conflict between the provisions hereof and the provisions of any law or ordinance, the provisions of this Agreement shall prevail.
D. If any provisions, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement, or portion thereof, shall not be affected thereby, and shall remain in full force and effect.

E. Except as expressly stated or otherwise provided for in this agreement, the City Manager shall be governed by the same customs, practices and policies governing all other employees of the City of Auburn.

Date:_____ By:_____
Dana Staples, City Councilor

Date:_____ By:_____
Leroy Walker, City Councilor

Date:_____ By:_____
Phillip L. Crowell, Jr.

Order: 165-12042023

City Council Order

IN CITY COUNCIL

BE IT ORDERED that the employment agreement between the City and City Manager Philip L. Crowell, Jr. be adopted as set forth in the attached Employment Agreement.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 166-12042023

Author: Phil Crowell, City Manager

Subject: PAL Center – Increase Allocation from American Rescue Plan Act (ARPA) Funds.

Information: In 2011, Police recognized that upwards of 25% of the total calls for service were happening in the same ½ mile area of the City of Auburn's most impoverished area of the city. The area was rife with vandalism and families had no sense of belonging. Police recognized that the "Broken Window Theory" applied to this neighborhood- don't fix it and it will get worse.

After much consideration as to what could be done to mitigate the crimes against youth and crimes committed by youth under the age of 20, the City of Auburn provided the current building located at 24 Chestnut Street to the Police Activities League (PAL) - a 501c3 that has a Board of Directors who oversee the operations. After renovations were completed in 2013 – by volunteers and through fundraising, the PAL Center opened and began providing after-school programming. Since the opening, the center has grown to provide mentored after-school and summer programming to upwards of 100 children daily. The current building has far exceeded its capacity (43 people) to safely offer programming due to lack of space. During the Covid-19 pandemic, the center had to close its doors because of the limited space.

Construction costs for the project are $9,000,000.00. The Auburn PAL has received the following funds towards the project:

- $3,000,000.00 American Rescue Plan Act (ARPA) allocated by City Council on 4/4/2022
- $3,000,000.00 Federal Community Project Funding sponsored by Senator Collins
- $1,500,000.00 City of Auburn Capital Improvement Funds (FY2023)

Remaining unallocated ARPA funds total $905,745.00. Presentation of status of all ARPA projects was made to City Council on November 20, 2023. After reviewing the projects, a recommendation was made to allocate the remaining funds towards the remaining unmet construction balance.

City Budgetary Impacts: None

Staff Recommended Action: Vote to allocate remaining undesignated ARPA funds ($905,745.00) and increase the PAL Center allocation from $3,000,000.00 to $3,905,745.00.

Previous Meetings and History: April 4, 2022, November 20, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 166-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council hereby allocates $905,745.00 of unallocated ARPA (American Rescue Plan Act) funds to the Police Activities League (PAL) for the construction of a new center for a total of $3,905,745.00.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 167-12042023

Author: Jill M. Eastman, Finance Director

Subject: FY ending June 2022 – Undesignated Fund Balance

Information: At the end of each fiscal year, the City of Auburn's auditing firm completes its annual audit. They provide information regarding the fiscal state of the city. Annually, the City of Auburn has an Undesignated Fund (UDF) that represents the difference of assets and liabilities. The fund serves as the city's cash flow throughout the year; therefore, the balance reported on June 30th of each year is the balance on that date only. Throughout the rest of the year, the balance is due more or less to cash flow needs. The City has a fund balance policy that recommends the UDF be at least 14% of the City's total budget. Bonding companies review the UDF balance when rating the City's financial status as it relates to the City's bond rating and corresponding interest rates.

On November 20, 2023, the City's auditing firm, Runyon, Kersteen and Ouellette presented their FY2022 findings to the Mayor and City Council. It was determined that the City's UDF was approximately 16% ($2,148,283.00) in excess of the recommended 14%.

City Budgetary Impacts: Allocate $1,823,255.00 Undesigned Fund Balance that is in excess of the recommended 14% as follows:

- $594,255.00 Construction of PAL Center
- $500,000.00 Transfer to Worker's Compensation Fund
- $500,000.00 Norway Savings Bank Arena Floor
- $100,000.00 Auburn Sewer District – Storm Water Separation Study
- $ 9,000.00 Edward Little High School "Project Graduation"
- $ 20,000.00 Androscoggin Land Trust
- $ 50,000.00 Relocation of Fountain
- $ 50,000.00 Food Insecurity Program at PAL Center

Staff Recommended Action: Vote to allocate Undesigned Fund Balance that is in excess of the recommended 14% as stated above.

Previous Meetings and History: November 20, 2023

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 167-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council allocate $1,823,255.00 from the FY2022 Undesigned Fund Balance that is in excess of the recommended 14% as follows:

- $594,255.00 Construction of PAL Center
- $500,000.00 Transfer to Worker's Compensation Fund
- $500,000.00 Norway Savings Bank Arena Floor
- $100,000.00 Auburn Sewer District – Storm Water Separation Study
- $ 9,000.00 Edward Little High School "Project Graduation"
- $ 20,000.00 Androscoggin Land Trust
- $ 50,000.00 Relocation of Fountain
- $ 50,000.00 Food Insecurity Program at PAL Center

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 04, 2023 **Resolve:** 03-12042023

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Resolve Calling upon the Auburn Water District and the Lake Auburn Watershed Protection Commission to collaborate with the Towns of Turner, Minot, Hebron, and Buckfield in the upper watershed to take similar actions as the City of Auburn to protect the drinking water of over 50,000 residents in Auburn, Lewiston, and Poland.

Information: The City has been working on text amendments to the Zoning Ordinance relating to the Lake Auburn Watershed Overlay District for several years, which amendments are evidenced by Ordinance #28-11202023; The ordinance amendments provide significant protections withing the municipal boundaries of the City of Auburn. The study of water quality monitoring data collected by the Auburn Water District and the Lake Auburn Watershed Protection Commission has confirmed that significant nutrient inputs to the lake occur in tributaries that originate in upper watershed towns that do not have the same protections in place for the protection of the Lake Auburn Watershed.

This resolve calls upon the upon the Auburn Water District and the Lake Auburn Watershed Protection Commission to collaborate with the Towns of Turner, Minot, Hebron, and Buckfield in the upper watershed to take similar actions as the City of Auburn to protect the drinking water of over 50,000 residents in Auburn, Lewiston, and Poland.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council vote to approve the Resolve.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

RESOLVE 03-12042023

City Council Resolve

IN CITY COUNCIL

RESOLVE, calling upon the Auburn Water District and the Lake Auburn Watershed Protection Commission to collaborate with the Towns of Turner, Minot, Hebron, and Buckfield in the upper watershed to take similar actions as the City of Auburn to protect the drinking water of over 50,000 residents in Auburn, Lewiston, and Poland.

WHEREAS, the Auburn Water District was granted a legislative Charter by Chapter 60 of the Private and Special Laws of 1923, as amended, and under the terms of its Charter, the said Auburn Water District was granted the power "to adopt by-laws, not inconsistent with the general laws of the state, to prevent pollution of the water of Lake Auburn and to preserve the purity of said water, and may prescribe penalties for the violation thereof, which said by-laws shall have the same force and effect as municipal ordinances"; and

WHEREAS, the said Auburn Water District was also granted under its Charter the "power and authority" to bring legal proceedings "to enjoin, prevent or restrain any persons, firms or corporations from polluting the water of Lake Auburn, provided such pollution shall tend to corrupt or impair the quality of the water of said Lake Auburn for domestic purposes, or render it injurious to health"; and

WHEREAS, pursuant to 22 M.R.S.A. §2647, "Any water utility…is authorized to take reasonable steps to protect a public water source from pollution"; and

WHEREAS, in an effort to strengthen Lake protections, the Auburn Water District formed the "Lake Auburn Water Quality Ad-Hoc Committee" and the said committee was tasked with reviewing and advising about the changes to the watershed related ordinances being made by the City of Auburn; and

WHEREAS, the committee supported the City of Auburn changes and further recommended the committee draft and execute an engagement with the Upper watershed towns to apply these critical watershed protections in the Towns of Turner, Minot, Hebron, and Buckfield; and

WHEREAS, pursuant to the By-laws for Protection of Lake Auburn and specifically Protection Level 4: Upper Watershed, the Trustees of the Auburn Water District established the entity or authority for the protection and control of the Lake Auburn Watershed, including those portions located in other municipalities, and shall provide technical assistance and enforcement assistance for watershed protection controls to homeowners and residents of the extended watershed area.

WHEREAS, the Auburn Water District and/or Lake Auburn Watershed Protection Commission is authorized to implement and enforce their By-Laws and restrictions by all appropriate means, including without limitation by bringing legal proceedings for the enforcement thereof.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Resolve

Now, therefore, be it resolved by the City Council of the City of Auburn that; We call upon the Auburn Water District and the Lake Auburn Watershed Protection Commissioners to begin discussions with the towns in the upper watershed to adopt these critical protections for Lake Auburn.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order**: 168-12042023

Author: Robert Chase, Fire Chief

Subject: Update to EMS Billing Rates

Information:

The EMS current EMS billing rates took effect on January 1st, 2021. During recent legislative sessions several laws were passed which affect EMS billing.

The recommendation for the increase is due to the State of Maine's act to protect consumers for surprise emergency medical bills or L.D. 2105. It states if you are **contracted** with an insurance company you will receive 200% of the Medicare allowed amount for the service. It also states if you are under the 200% you can not increase your rates more that 5% each year.

The department's medical billing company, Medical Reimbursement Services (MRS), has suggested increases to Auburn Fire Department's fee schedule to better align with these pieces of legislation:

Fee	Auburn Current	MRS Suggested 2023 Increase	MRS Suggested 2024 Increase	200% Medicare
Mileage	$18.00	$20.00	$20.00	$17.42
BLS	$800.00	$840.00	$882.00	$809.08
ALS - 1	$1,000.00	$1,100.00	$1,100.00	$960.78
ALS – 2	$1,500.00	$1,600.00	$1,600.00	$1,390.62
BLS Non Emergency	$450	$473	$497	$505.68
ALS Non Emergency	$500	$525	$552	$606.82
No Transports	$225.00	$300.00	$300.00	N/A

Increase in ALS intercept fee:

A requirement of all ambulance services trying to provide the best care for their patients is to request a paramedic from another service to come and provide necessary care that is above the scope of practice of the responding ambulance. As a service that always staffs paramedic licensed providers on ambulances, and many times on fire apparatus, several services depend on the Auburn Fire Department's ability to provide a paramedic when transporting to a local hospital. Auburn Fire Department paramedics meet an incoming

ambulance service, board the other service's ambulance, and take over patient care. Because ambulance billing is mostly based on transport, this practice, although necessary for best patient care, cannot be billed to the patient. Instead, to recoup some of the cost to the paramedic service, the service providing the paramedic will bill the receiving service a small fee. Currently, Auburn Fire charges $100.00 for an ALS intercept. In 2022, Auburn Fire Department billed for this service 24 times. Between January 1, 2023, and November 2023, Auburn Fire Department has billed for this service 41 times. It has also been shown in a comparison between 14 other departments, Auburn Fire Department charges the lowest amount for an ALS intercept with the next highest department being $250.00. Most departments in this comparison charge $300.00 per intercept. It is requested that Auburn Fire Department increase the ALS intercept fee to $300.00 to be aligned with other departments.

It is requested that the Auburn Fire Department increase their EMS care and transport fees with the first increase taking effect December 11, 2023 and the second increase taking effect April 1st 2024.

City Budgetary Impacts: Estimated increase EMS revenue of $10,000

Staff Recommended Action: Staff recommends the City Council vote for passage of this Resolve.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: EMS Transport Rate Schedule as of December 11, 2023 (Proposed)
EMS Transport Rate Schedule as of April 1, 2024 (Proposed)

Auburn Fire Department
550 Minot Avenue | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6633

City of Auburn EMS Transport Rate Schedule as of December 11, 2023:

SERVICE	ALL INCLUSIVE RATE
Basic Life Support (A0429)	$840
Advanced Life Support (A0427)	$1,100
Advance Life Support Level 2 (A0433)	$1,600
Basic Life Support Non-Emergency	$473
Advanced Life Support Non-Emergency	$525
Specialty Care Transport (PIFT)	$2,800
Loaded Miles (A0425)	$20 per mile
Paramedic Intercept	$300
On Scene (not transport)	$300

Auburn utilizes Medical Reimbursement Services (MRS) in Windham, Maine as our billing service. If you have a question regarding an ambulance bill, please contact MRS at 1.800.734.6677.

PROPOSED

Auburn Fire Department
550 Minot Avenue | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6633

City of Auburn EMS Transport Rate Schedule as of April 1, 2024:

SERVICE	ALL INCLUSIVE RATE
Basic Life Support (A0429)	$882
Advanced Life Support (A0427)	$1,100
Advance Life Support Level 2 (A0433)	$1,600
Basic Life Support Non-Emergency	$497
Advanced Life Support Non-Emergency	$552
Specialty Care Transport (PIFT)	$2,800
Loaded Miles (A0425)	$20 per mile
Paramedic Intercept	$300
On Scene	$300

Auburn utilizes Medical Reimbursement Services (MRS) in Windham, Maine as our billing service. If you have a question regarding an ambulance bill, please contact MRS at 1.800.734.6677.

PROPOSED

ORDER 168-12042023

City Council Order

IN CITY COUNCIL

Ordered, that the City Council hereby approves the following increase to EMS care and transport fees with the first increase taking effect December 11, 2023 and the second increase taking effect April 1st 2024 as follows:

Fee	Auburn Current	MRS Suggested 2023 Increase	MRS Suggested 2024 Increase	200% Medicare
Mileage	$18.00	$20.00	$20.00	$17.42
BLS	$800.00	$840.00	$882.00	$809.08
ALS - 1	$1,000.00	$1,100.00	$1,100.00	$960.78
ALS – 2	$1,500.00	$1,600.00	$1,600.00	$1,390.62
BLS Non Emergency	$450	$473	$497	$505.68
ALS Non Emergency	$500	$525	$552	$606.82
No Transports	$225.00	$300.00	$300.00	N/A

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor
Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 169-12042023

Author: Jay Brenchick

Subject: Execution of the Sale of 186 Main Street by the City Manager

---

Information: Great Falls Consrtruction plans to build a mixed-use building, including 18 residential apartments, retail and restaurant space. The 23,116 SF facility that will be the home of a Mason's Brewing, an additional ~1,500SF commercial retail location along Main Street and 18 residential apartments ranging from studios to one and two bedrooms. This project has received approval from the City's Planning Board and a Traffic Movement Permit from the Maine Department of Transportation.

City Budgetary Impacts:

Staff Recommended Action:
Approval of Order as Presented

Previous Meetings and History:
During the November 20, 2023 City Counccil Meeting Approved Tax Increment Financing (TIF) District #29, for the project at 186 Main Street.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 169-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the sale of 186 Main Street, Parcel ID 231-020 (city-owned property), to Great Falls Construction, DBA JCS 18, LLC.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 4, 2023 **Order:** 170-12042023

Author: Eric Cousens, Director of Planning and Permitting

Subject: Companion Order to review ordinance amendments applied to the Lake Auburn watershed with feedback from the Maine Drinking Water Program.

Information: The City submitted a copy of the proposed text amendments to the Maine Drinking Water Program for comment in advance of the Planning Board public hearing on them and in advance of the City Council first reading of the amendments, but it has not yet received any comments as of November 30, 2023. The attached order will set a timeline for review of any feedback from the Maine Drinking Water program or other sources to ensure the amendments are protecting the water quality of Lake Auburn as designed and intended.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council vote to approve the attached Order.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order.

Order: 170-12042023

City Council Order

IN CITY COUNCIL

Review of Zoning Ordinance Text Amendments Relating to Lake Auburn Watershed Overlay District evidenced by Ordinance #28-11202023

WHEREAS, the City has been working on text amendments to the Zoning Ordinance relating to the Lake Auburn Watershed Overlay District for several years, which amendments are evidenced by Ordinance #28-11202023;

WHEREAS, the City submitted a copy of the proposed text amendments to the Maine Drinking Water Program for comment in advance of the Planning Board public hearing on them and in advance of the City Council first reading of the amendments, but it has not yet received any comments; and

WHEREAS, the City is interested in any comments that may be received by the Planning and Permitting Department or other City departments or officials relating to the efficacy of the text amendments once they become effective, be it from the Maine Drinking Water Program or otherwise;

NOW, THEREFORE, BE IT ORDERED that if Ordinance #28-11202023 is adopted on December 4, 2023 and becomes effective in 5 days under the terms of the City Charter, the City Council shall review the amendments to the Zoning Ordinance evidenced by Ordinance #28-11202023 within six months, *i.e.*, on or before June 4, 2024, to determine whether any additional amendments to the Zoning Ordinance are necessary or desirable.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

ORDER 154-12042023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints Stephen Roop to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

City Council Workshop & Meeting
Agenda
December 18, 2023
Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

- **A.** Executive session – Legal matter, pursuant to 1 M.R.S.A. §405(6)(E), with possible action to follow under New Business during the City Council meeting.
- **B.** Norway Savings Bank Arena Floor Project – Marc Gosselin and Consultant

7:00 P.M. City Council Meeting - Roll call votes will begin with Councilor Gerry

Pledge of Allegiance

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Order 171-12182023*
Confirming Chief Moen's appointments of Constables/Civil Process Servers without Firearm.

2. Order 172-12182023*
Confirming the re-appointment of Bryan Bachelder as Local Sealer of Weights and Measures for 2024.

II. Minutes – December 4, 2023, Regular City Council Meeting

III. Communications, Presentations and Recognitions
- Communication – April 9, 2024, Special Election (Ward 4 School Committee)
- Communication – Mayoral Appointments

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business - None

VI. New Business

1. Order 173-12182023

Confirming Mayor Harmon's Board and Committee Appointments.

VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports

a. Mayor's Report
b. City Councilors' Reports
c. City Manager Report
d. Finance Report – November 2023

IX. Executive Sessions

X. Adjournment

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 18, 2023

Subject: Executive Session

Information: Legal consultation, pursuant to 1 M.R.S.A. Section 405(6) (E).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:
(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:
(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 18, 2023

Author: Marc Gosselin, Executive Director of Community Partnerships & Sport Tourism

Subject: Cement Floor Installation on Rink #2

Information: Discussion and request for the remainder of funds needed for the cement floor installation on Rink #2. Staff will discuss the current deficiencies of Rink #2, timing of the project, impacts to the facility and budget.

City Budgetary Impacts: $500,000

Staff Recommended Action: Discussion

Previous Meetings and History: $500,000 has been approved and allocated to the project.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 18, 2023 **Order:** 171-12182023

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointments of Civilian Process Servers for the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn.

Information: Chief of Police Moen requests that the Auburn City Council appoint Civilian Process Servers (city employees and volunteers) to serve documents on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) to serve documents within the City of Auburn for 2024.

City Budgetary Impacts: N/A

Staff Recommended Action: Vote to confirm Chief Moen's appointments of Civilian Process Servers to serve documents on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2024.

Previous Meetings and History: November 6, 2017, January 23, 2017, February 5, 2018, January 7, 2019, February 3, 2020, December 21, 2020, January 3, 2022 – Annually and periodically, requests are made for appointments and re-appointments for the next or current calendar year.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

ORDER 171-12182023

City Council Order

IN CITY COUNCIL

IN CITY COUNCIL

ORDERED, that the City Council hereby appoint the following named persons to serve documents as Civilian Process Servers (employees and volunteers) on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2024. Constable Process Servers (Private) are not an agent or employee of the city or entitled to hold himself/herself out as such and is not authorized to carry a firearm in the performance of his/her duties, and that his/her authority to act as a constable is limited to private employment as a process server.

Martin Moreau	Employee	Civilian Process Servicer	Without Firearm	New Appointment
Anna Brown	Employee	Civilian Process Server	Without Firearm	Re-appointment
Maegan Kyllonen	Employee	Civilian Process Server	Without Firearm	Re-appointment
Kenneth Edgerly	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Glenn Garry	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Harry Gorman	Private	Constable Process Server	Without Firearm	Re-appointment

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 18, 2023 **Order:** 172-12182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Sealer of Weights and Measures

Information: The City Council appointed Bryan Bachelder as the city's local Sealer of Weights and Measures in February 2019. He is a retired Maine State Trooper with a history of weights and measures. Mr. Bachelder has successfully passed the national certification programs. T

City Budgetary Impacts: None. No cost to the City.

Staff Recommended Action: Re-appoint Bryan Bachelder as the Sealer of Weights and Measures with a term expiration of December 31, 2024.

Previous Meetings and History: Appointed in 2019 and has been re-appointed each year since.

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments: Order

ORDER 172-12182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Bryan Bachelder as the Local Sealer of Weights and Measures with a term expiration of December 31, 2024.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL REGULAR MEETING DECEMBER 4, 2023, VOL. 37 PAGE 107

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present. Councilor Gerry was excused from the meeting at 8:25 pm.

I. Consent Items – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. **Order 152-12042023***
Re-appointing Riley Bergeron to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

2. **Order 153-12042023***
Re-appointing Evan Cyr to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

3. **Order 154-12042023***
appointing Stephen Roop to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

4. **Order 155-12042023***
Accepting the Audit Report.

5. **Order 156-12042023***
Appointing Wardens and Ward Clerks for a two-year term as outlined in our City Charter.

Councilor Whiting requested that items 1 through 3 (Orders 152-12042023, 153-12042023, and 154-12042023) be removed from the consent agenda and placed under New Business.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage of the two remaining consent items.

Passage 7-0.

II. Minutes – November 20, 2023, Regular City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the November 20, 2023, Regular City Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

Proclamation – Small Business Saturday

Recognition of Outgoing Elected Officials (Mayor Levesque, Councilor Hawes, Councilor Morin, Councilor Staples).

Jill Eastman, Finance Director - Finance Report of October 2023

Motion was made by Councilor Milks and seconded by Councilor Walker to accept and place on file the October 2023 Final Finance Report.

Passage 7-0.

Council Communications -

Councilor Walker announced that the United New Auburn Association and the City of Auburn proudly present the Christmas in the Park (Anniversary Park) event scheduled for Saturday, December 9th beginning at 4:00pm.

City Manager Crowell stated that they appreciate the work that Councilor Walker does with the United New Auburn Association, and Christmas in the Park will be a great event. He also wanted to highlight www.auburnchristmasvillage.com which is a great site to go to find out more about the vendors that are there now and leading up to Christmas. He recognized and gave thanks to everyone that contributed to the Thanksgiving dinners that were provided at the Senior and PAL Centers. He thanked the employees of Panolam (Pioneer Plastics) for their donation and introduced John Everly and Susan Hagerstrom, both from Panolam. They donated 30 turkeys and the fixings for the PAL families, adding that it is greatly appreciated.

IV. Open Session

Maureen O'Brien, 42 Winter Street, spoke regarding the ability for citizens to have access to public records.

Dave Griswold, 199 Gamage Avenue, wanted to thank the Council at the end of their terms for their work and commitment and stated that he appreciates their service.

A gentleman who did not identify himself, spoke regarding his property on Penley Corner Road and helping veterans.

V. Unfinished Business

1. Ordinance 21-09182023
Amending the Code of Ordinances, Chapter 14, Article XVIII Adult Use and Medical Marijuana Business licensing. Second reading.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 7-0.

2. **Ordinance 24-11202023**
Amending the zoning map to rezone all areas in the LDRR or RR zoning district within the Lake Auburn watershed to the LDCR zoning district. Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 7-0.

3. **Ordinance 26-11202023**
Amending the zoning map for parcel ID 289-001, 289-002, and 277-026 from AGRP to GB. Public hearing and second reading.

Motion was made by Councilor Milks and seconded by Councilor Morin for passage.

Public hearing –

Renee Cote, Dawes Avenue, asked that the Council consider the will of the majority and keep the lake area undeveloped. She asked that they vote against the amendment.

Peter Dingley stated that people do not want general business by the lake and with all the talk about the festivals we have in the city, have we ever had a lake festival and celebrated the lake?

Deb Desjardins, 2768 Turner Road stated that we are reducing the watershed line adding that she has never seen a watershed line for Lake Auburn. She has for Taylor Pond but not Lake Auburn and urged council not to pass this tonight.

Mike Ouellette, West Auburn Road, provided handouts to the Council and spoke in opposition to the proposed amendment. He said he feels that development of the sand pit would threaten the water quality of the lake. He said he has never had issues with his well water until his neighbor clear cut a lot next to him and has since had to purchase a filtration system. He said he never thought he would need a filtration system as he has now and said don't be fooled that Auburn won't too.

Fred Holler, 352 West Auburn Road stated that it is obvious that the citizens of Auburn regard this as a threat to the lake and don't want this change. He said he thinks passing this is unfair and it is not a "Not in My Back Yard" issue.

John Cleveland, 183 Davis Avenue, stated that this proposed zoning amendment before them was part of a repeal where petitions were signed, and Council had the opportunity to put it out to the voters or to repeal it themselves. He stated that Council chose to repeal the change on September 6, 2022. He further stated that the vote has the same effect and per the city charter, the Council has no authority to vote against the repeal by re-instating it.

Stephen Beale, 575 Johnson Road, stated that while he agrees with most of the comments, he has a specific concern and would like to see the 100-foot buffer around the landfill parcel be retained.

Bruce Rioux, 85 Mary Carroll Street stated that if this passes this will become a large housing development and asked if having 3,000 people living in that area is protecting the lake and asked the Council to think about that before they vote.

Pam Rousseau, 745 West Auburn Road stated that this would be taking more land out of the ag zone when we should be saving it, and then stated that if the area is built up, there have been no studies done on the impact that could have.

Motion was made by Councilor Staples and seconded by Councilor Gerry to amend by excluding the landfill.

Passage 4-3 (Councilors Hawes, Milks, and Morin opposed).

Passage as amended 4-3 (Councilors Gerry, Whiting, and Walker opposed). A roll call vote was taken.

4. **Ordinance 27-11202023**
Amending the zoning map to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. Public hearing and second reading.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

5. **Ordinance 28-11202023**
Amending the Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. Public hearing and second reading.

Motion was made by Councilor Morin and seconded by Councilor Staples for passage.

Public hearing –

Kathy Shaw, 1200 Sopers Mill Road, also the Chair of the Natural Products and Agricultural Work Group provided hand-outs to the councilors and stated that this would take a lot of small, non-invasive farming operations out of contention, completely prohibited and she asked to set aside this language to take more time to look at this with more detail.

Pam Rousseau, 745 West Auburn Road, reiterated what Kathy Shaw just stated adding that she would like this set aside and looked at again.

John Cleveland, 183 Davis Avenue, read the last paragraph of a letter from the Lewiston City Administrator that was included in the agenda packet.

Bruce Rioux, 85 Mary Carroll Street commented that in the past, if Lake Auburn came up on a City Council or Planning Board agenda, the Water District Superintendent and microbiologist would attend these meetings addressing the science of the lake when questions came up. He stated that tonight is the first time in the last four years, that the Water District Superintendent has attended a meeting, and he is not answering the questions adding that we are getting our information from the developers, and he is not trusting their answers.

Stephen Beale, 575 Johnson Road stated that he wanted to address the septic design change and added that if this Council wants to do something for the benefit of the watershed, the thing to do would be to pass the septic design but put a cap of 20 permits to be issued over a 25-year period.

Dave Griswold, 199 Gamage Avenue, spoke regarding the language about the non-hobby agriculture stating that the intent was good, but it can be confusing. He said he did some research to see what might fall under that category and he shared that information with the Council. He stated that possibly, rather than make a blanket prohibition under agricultural activities, maybe Council should consider stating what would be allowed such as low impact activities that will not have an impact on the lake if managed properly. He stated he would urge them to take this back to the drawing board and get it right.

Motion was made by Councilor Whiting and seconded by Councilor Gerry to send this to the Natural Product and Agriculture group.

Failed 3-4 (Councilors Hawes, Morin, Milks, and Walker opposed).

Passage of Ordinance 28-11202023 as presented 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

Councilor Gerry was excused from the meeting and Mayor Levesque called for a 5-minute recess.

VI. New Business

Order 152-12042023
Re-appointing Riley Bergeron to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee. This item was removed from the Consent Agenda.

Motion was made by Councilor Morin and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 5-0-1 (Councilor Whiting abstained).

Order 153-12042023

Re-appointing Evan Cyr to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee. This item was removed from the Consent Agenda.

Motion was made by Councilor Hawes and seconded by Councilor Walker for passage.

Public comment – Renee Cote, Dawes Avenue stated this should not be the purview of this Council and they should address it at this time.

Passage 5-0-1 (Councilor Whiting abstained).

Order 154-12042023
Appointing Stephen Roop to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee. This item was removed from the Consent Agenda.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Motion was made by Councilor Morin and seconded by Councilor Hawes to amend by striking Stephen Roop and replacing him with Timothy Deroche (Stephen Roop withdrew).

Public comment - No one from the public spoke.

Passage 5-0-1 (Councilor Whiting abstained).

Passage as amended 5-0-1 (Councilor Whiting abstained).

1. **Public hearing – CDBG PY23 Revised Budget and Action Plan.**

   Mayor Levesque opened the public hearing at 8:33 pm.

   No one from the public spoke. The public hearing closed at 8:33 pm.

2. **Order 157-12042023**
   Authorizing the School Committee to establish a curriculum development reserve fund for the purpose of funding curriculum development materials, equipment, software, and professional development.

   Motion was made by Councilor Morin and seconded by Councilor Hawes for passage.

   Public comment – No one from the public spoke.

   Passage 6-0.

3. **Order 158-12042023**
   Authorizing the naming of "Officer Norman Philbrick Square" (or "Philbrick Square").

Motion was made by Councilor Walker and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 6-0.

4. **Order 159-12042023**
Authorizing the naming Mustang Alley.

Motion was made by Councilor Walker and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 6-0.

5. **Order 160-12042023**
Authorizing the naming of "Joseph 'Joe' Walker Memorial Field" or ("Walker Field").

Motion was made by Councilor Milks and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 6-0.

6. **Order 161-12042023**
Authorizing the naming of "Tricia Asselin Memorial Field" or ("Asselin Field").

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 6-0.

7. **Order 162-12042023**
Allocating funds (Comprehensive Plan Implementation Funding) of up to $160,767.50 for the replacement structure for R&K Properties LLC (PID 221-074).

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 6-0.

8. **Order 163-12042023**
Approving Tax Increment Financing (TIF) District #31, Academy Street. Public hearing.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – No one from the public spoke.

Passage 4-1-1 (Councilor Whiting opposed, Councilor Milks abstained).

9. **Order 164-12042023**
Approving Tax Increment Financing (TIF) District #32, Mount Auburn Housing. Public hearing.

Motion was made by Councilor Morin and seconded by Councilor Walker for passage.

Public hearing – No one from the public spoke.

Passage 5-1 (Councilor Staples opposed).

10. **Order 165-12042023**
Adopting the employment agreement between the city and the City Manager Phillip L. Crowell, Jr.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 6-0.

11. **Order 166-12042023**
Approving the allocation of American Rescue Plan Act (ARPA) funds for the PAL Center.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – Maureen Obrien, 42 Winter Street, stated that we should not be spending money without a plan, and she hopes they do not approve this.

Passage 6-0.

12. **Order 167-12042023**
Authorizing the allocation$1,823,255.00 from the FY22 undesigned fund balance that's in excess of the recommended 14%.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment – Kathy Shaw, 1200 Sopers Mill Road asked where these funds were going.

Motion was made by Councilor Walker and seconded by Councilor Milks to allocate an additional $100,000 from the fund balance to conduct a security evaluation of our public buildings that are accessible to the public.

Passage 6-0.

Motion was made by Councilor Whiting and seconded by Councilor Walker to allocate an additional $100,000 from the undesignated fund balance to be used for wayfinding signage to use for memorials and other facility naming bringing the allocation to $2,023,255.00.

Passage 6-0.

Passage of order 167-12042023 as amended 6-0.

13. **Resolve 03-12042023**
Calling upon the Auburn Water District and the Lake Auburn Watershed Protection Commissioners to begin discussions with the towns in the upper watershed to adopt critical protections for Lake Auburn.

Motion was made by Councilor Morin and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 6-0.

14. **Order 168-12042023**
Approving the increase to EMS care and transport fees with the first increase taking effect December 11, 2023, and the second increase taking effect April 1, 2024.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 6-0.

15. **Order 169-12042023**
Authorizing the City Manager to execute the sale of 186 Main Street, Parcel ID 231-020 (city-owned property) to Great Falls Construction, DBA JCS 18, LLC.

Motion was made by Councilor Walker and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Passage 6-0.

16. **Order 170-12042023**
Directing a review of zoning ordinance text amendments relating to Lake Auburn Watershed Overlay District evidenced by Ordinance 28-11202023.

Motion was made by Councilor Morin and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 6-0.

VII. Open Session

Kathy Shaw, 1200 Sopers Mill Road thanked the Council for creating more community conversations and engagement and she wished them good luck in the future.

VIII. Reports (from sub-committees to Council)

Councilor Staples thanked everyone for the last two years. He stated that his favorite part is how everything has been civil, and they've managed to talk things out and he values that.

Councilor Walker also expressed thanks to the voters, the City Council, and the mayor.

Councilor Morin stated these have been the two most educational years of his life. He said he also appreciates the civility and decency of everyone on the Council, adding that he calls everyone on the Council a friend. He closed by saying that during these two years he has concluded that Auburn is very fortunate to have the level of staff that do this as their day job day in and day out and he is proud of city staff. He said he wishes the next council much luck and success.

Councilor Milks thanked the Council adding that he has learned a lot from everyone up here. He stated that one thing he was taught is that you should listen to people you disagree with. He thanked Mayor Levesque and added that he is looking forward to the next steps and thanked voters for their vote and confidence and he looks forward to working with the next Council.

Councilor Hawes gave thanks to the city staff and echoed comments made by Councilor Morin. He also thanked the Councilors and the Mayor. He wished the newly elected Council good luck, and he thanked Manager Crowell and Assistant Manager Wood.

Councilor Whiting thanked everyone and echoed what Representative Shaw said and added that although they did not always agree, they agreed on more than what they disagreed on.

City Manager Crowell provided an update on the activity on the LAWPCA property on Penley Corner Road.

Mayor Levesque discussed some unresolved items and is hoping there will be follow through on the following. Discussion on eminent domain properties, specifically the Barn on Minot Avenue; the Lewiston Auburn Railroad Corporation is a corporation in which 33% of the shares go to Auburn and the rest go to Lewiston, though 90% of the revenue is derived from Auburn operations whereas a vast majority of the property that doesn't create revenue sits in Lewiston for the most part sitting in a quasi-land trust or a land bank. He added that he has fought vehemently for fairness in this, and they refuse, adding that Auburn isn't getting any economic benefit for the rail that flows through the city and should be addressed; he would like to urge the Council to keep in mind a renegotiation of water costs for our rate payers.

Lewiston and Auburn splits costs 50/50 though Lewiston uses 63-65% of that water and we pay a disproportionately high amount of the operating costs and this needs to be addressed; Stevens Mills Baseball/Softball fields, we must see that through; one parcel on Mechanics Row that is still left for sale. He would like the Council to see this through; regarding Walton School, there is an order to create a transitional committee with anticipation of closing Walton School. He is leaning towards no at this point and we must take into consideration the growth we've seen in the last few years. He urged everyone to pay attention to the School Committee meeting scheduled for this Wednesday.

In closing, he stated that this is approximately his 158th Council meeting in 6 years, adding that it has been a joy, a pleasure, and he thanked the City Council, City Manager Crowell, Assistant Manager Wood, and city staff for helping and working together, respecting boundaries, and the chain of command. He stated that nationally, Auburn has a great reputation.

IX. Executive Sessions - None

X. Adjournment

Motion was made by Councilor Walker and seconded by Councilor Milks to adjourn.

Unanimously approved and the meeting adjourned at 9:16 pm.

A TRUE COPY ATTEST Susan Clements-Dallaire

Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 18, 2023

Author: Sue Clements-Dallaire, City Clerk

Subject: Special Election to be held on April 9, 2024 for the Ward 4 School Committee seat

---

Information: We did not have anyone file nomination papers for the Ward 4 School Committee seat for the November 7, 2023 Election. Article V, Sec 5.1 of the City Charter requires the city clerk to call for another election to fill the vacant seat. Per charter, nomination papers must be available at least 120 days before the date of the election. Because of that 120 day requirement, we were unable to hold this special election on the same date as the March 5, 2024 Presidential Primary election.

Nomination papers became available on December 11, 2023. The Election is scheduled to be held on April 9, 2024. This election will be for Ward 4 voters only and will be held at Auburn Hall.

City Budgetary Impacts: Approximately $1,000 for staffing, postage, and the cost of a public notice. Because there will be minimal turnout, we will not be programming the tabulating machines and ordering ballots. We will print our own ballots in house and count the ballots by hand.

Staff Recommended Action: No action required – communication only.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell J.

Attachments:

City Council Communication

Mayoral Appointments

The following are Mayoral appointments that do not require confirmation of the City Council.

- **Appointment Committee** – Adam Platz, Belinda Gerry, Richard Whiting
- **Auburn Public Library** – Richard Whiting
- **Auburn Sewer District Board of Trustees** – Stephen Milks
- **Auburn Water District Board of Trustees** – Mayor, Jeffrey Harmon
- **Museum LA (Maine Mill)** – Richard Whiting
- **Auburn School Committee** – Adam Platz
- **Sustainability & Natural Resource Management Board** – Timothy Cowan

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: December 18, 2023 **Order:** 173-12182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Confirming the Mayor's Appointments to Agencies, Boards, Committees and Commissions

---

Information: The Mayor has made the following recommendations to the Agencies, Boards, Committees, and Commissions that will provide City representation which will advance the interests of the City of Auburn. Council confirmation is required.

Maine Waste to Energy – Leroy Walker
Auburn Lewiston Municipal Airport Board – Benjamin Weisner
Audit Committee – Belinda Gerry and Richard Whiting
AVCOG Executive Committee – Phil Crowell and Brian Wood
AVCOG General Assembly – Belinda Gerry and Richard Whiting
LATC – Timothy Cowan
LA911 – Benjamin Weisner and Patricia Madore

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Terms expire December 2025

City Manager Comments:

I concur with the recommendation. Signature: Phillip Crowell Jr.

Attachments:

ORDER 173-12182023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Mayor Harmon's recommendations and appointments to the Agencies, Boards, Committee's and Commissions as listed below.

Auburn-Lewiston Municipal Airport: Benjamin Weisner **Audit Committee:** Richard Whiting Belinda Gerry **AVCOG:** Phil Crowell (Executive Committee) Brian Wood (Executive Committee) Belinda Gerry (General Assembly) Richard Whiting (General Assembly)	**Lewiston-Auburn 911 Committee** Patricia Mador Benjamin Weisner **LATC (Lewiston Auburn Transit Committee):** Timothy Cowan **Maine Waste to Energy:** Leroy Walker

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services

TO: **Phillip Crowell, City Manager**

FROM: **Jill Eastman, Finance Director**

REF: **November 2023 Financial Report**

DATE: **December 18, 2023**

The following is a discussion regarding the significant variances found in the City's October financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its fourth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 41.7% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through November 30th, including the school department were $51,439,616, or 45.45%, of the budget. The municipal revenues including property taxes were $35,068,005, or 47.46% of the budget which is more than the same period last year by $1,379,668. The accounts listed below are noteworthy.

A. September 15th the first installment for real estate taxes were due. The current year tax revenue is at 49.72% as compared to 50.11% last year or $527,410 more than last year.

B. Excise tax for the month of November is at 44.80%. This is an increase of $55,116 compared to FY 23.

C. State Revenue Sharing for the month of November is 49.17% or $2,937,753. This is an increase from last November of $145,875.

D. EMS Transport is at 46.22% or $677,100, which is a slight increase from last year of $61,718.

Expenditures

City expenditures through November 2023 were $25,860,432 or 47.800% of the budget. This is a total decrease over last year of $825,223 Noteworthy variances are:

A. The largest decrease is the transfers to the TIF accounts due to timing of the transfers. These transfers were made the beginning of December 2023, instead of November.

Investments

This section contains an investment schedule as of November 30th. Currently the City's funds are earning an average interest rate of 4.29% compared to2.35% at this time last year.

Respectfully submitted,

Jill M. Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND
AS of November 2023, Occtober 2023, and June 2023

	November 30 2023	October 31 2023	Increase (Decrease)	Unaudited JUNE 30 2023
ASSETS				
CASH	$ 41,635,592	$ 36,417,944	$ 5,217,648	$ 43,592,529
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	3,343,716	3,202,599	141,117	2,703,976
TAXES RECEIVABLE-CURRENT	24,211,518	24,552,202	(340,684)	949,747
DELINQUENT TAXES	611,574	610,037	1,537	442,839
TAX LIENS	819,526	879,932	(60,406)	430,056
NET DUE TO/FROM OTHER FUNDS	(11,139,460)	1,067,324	(12,206,784)	(11,595,819)
TOTAL ASSETS	**$ 59,482,466**	**$ 66,730,038**	**$ (7,247,572)**	**$ 36,523,328**
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	$ (20,605)	$ 3,613,786	$ (3,634,391)	$ 901,846
PAYROLL LIABILITIES	(188,092)	(349,021)	160,929	(350,435)
ACCRUED PAYROLL	245,746	245,746	0	(570,829)
STATE FEES PAYABLE	(81,299)	(169,350)	88,051	(129,140)
ESCROWED AMOUNTS	(32,713)	(32,662)	(51)	(32,462)
DEFERRED REVENUE	(25,618,817)	(26,018,370)	399,553	(1,798,833)
DUE TO OTHER FUNDS	-	-	-	-
TOTAL LIABILITIES	**$ (25,695,780)**	**$ (22,709,871)**	**$ (2,985,910)**	**$ (1,979,853)**
FUND BALANCE - UNASSIGNED/ASSIGNED	$ (31,037,870)	$ (41,021,351)	$ 9,983,481	$ (31,544,658)
FUND BALANCE - RESTRICTED	(2,059,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
TOTAL FUND BALANCE	**$ (33,786,686)**	**$ (44,020,167)**	**$ 10,233,481**	**$ (34,543,474)**
TOTAL LIABILITIES AND FUND BALANCE	**$ (59,482,466)**	**$ (66,730,038)**	**$ 7,247,571**	**$ (36,523,327)**

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH November 3, 2023 VS November 30, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU NOV 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU NOV 2022	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	$ 53,935,348	$ 26,817,008	49.72%	$ 52,463,320	$ 26,289,598	50.11%	$ 527,410
PRIOR YEAR TAX REVENUE	$ -	$ 368,625		$ -	$ 92,633		$ 275,992
HOMESTEAD EXEMPTION REIMBURSEMENT	$ 1,770,000	$ 1,320,847	74.62%	$ 1,770,000	$ 1,322,921	74.74%	$ (2,074)
EXCISE	$ 4,535,000	$ 2,031,736	44.80%	$ 4,435,000	$ 1,976,620	44.57%	$ 55,116
PENALTIES & INTEREST	$ 80,000	$ 35,310	44.14%	$ 120,000	$ 19,952	16.63%	$ 15,358
TOTAL TAXES	$ 60,320,348	$ 30,573,526	50.69%	$ 58,788,320	$ 29,701,724	50.52%	$ 871,802
LICENSES AND PERMITS							
BUSINESS	$ 240,000	$ 108,677	45.28%	$ 190,000	$ 121,931	64.17%	$ (13,254)
NON-BUSINESS	$ 199,100	$ 185,255	93.05%	$ 195,250	$ 137,440	70.39%	$ 47,815
TOTAL LICENSES	$ 439,100	$ 293,931	66.94%	$ 385,250	$ 259,371	67.33%	$ 34,560
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	$ 400,000	$ -	0.00%	$ 400,000	$ -	0.00%	$ -
STATE REVENUE SHARING	$ 5,975,000	$ 2,937,753	49.17%	$ 4,504,100	$ 2,791,878	61.99%	$ 145,875
WELFARE REIMBURSEMENT	$ 125,000	$ 142,558	114.05%	$ 83,912	$ 16,955	20.21%	$ 125,603
OTHER STATE AID	$ 94,000	$ 12,883	13.71%	$ 32,000	$ -	0.00%	$ 12,883
CITY OF LEWISTON	$ 182,000	$ -	0.00%	$ 182,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL ASSISTANCE	$ 6,776,000	$ 3,093,194	45.65%	$ 5,202,012	$ 2,808,833	54.00%	$ 284,361
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	$ 355,550	$ 66,421	18.68%	$ 361,400	$ 49,046	13.57%	$ 17,375
PUBLIC SAFETY	$ 26,400	$ 12,401	46.97%	$ 30,800	$ 38,340	124.48%	$ (25,939)
EMS TRANSPORT	$ 1,465,000	$ 677,100	46.22%	$ 1,350,000	$ 615,382	45.58%	$ 61,718
TOTAL CHARGE FOR SERVICES	$ 1,846,950	$ 755,921	40.93%	$ 1,742,200	$ 702,768	40.34%	$ 53,153
FINES							
PARKING TICKETS & MISC FINES	$ 23,000	$ 10,633	46.23%	$ 28,000	$ 10,627	37.95%	$ 6
MISCELLANEOUS							
INVESTMENT INCOME	$ 45,000	$ 178,181	395.96%	$ 30,000	$ 21,538	71.79%	$ 156,643
RENTS	$ 75,000	$ 5,032	6.71%	$ 75,000	$ 2,614	3.49%	$ 2,418
UNCLASSIFIED	$ 20,000	$ 43,804	219.02%	$ 20,000	$ 55,910	279.55%	$ (12,106)
COMMERCIAL SOLID WASTE FEES	$ -	$ 24,919		$ -	$ 26,038		$ (1,119)
SALE OF PROPERTY	$ 100,000	$ 11,494	11.49%	$ 100,000	$ 678	0.68%	$ 10,816
MMWAC HOST FEES	$ 240,000	$ 77,370	32.24%	$ 240,000	$ 96,713	40.30%	$ (19,343)
TRANSFER IN: TIF	$ 1,500,000	$ -	0.00%	$ 1,140,000	$ -	0.00%	$ -
TRANSFER IN: Other Funds	$ 362,500	$ -	0.00%	$ 619,000	$ -	0.00%	$ -
ENERGY EFFICIENCY							$ -
SPONSORSHIPS - COMMUNITY ENGAGEMENT	$ 40,000	$ -		$ -	$ 32,700		
CDBG	$ 588,154	$ -	0.00%	$ 588,154	$ -	0.00%	$ -
UTILITY REIMBURSEMENT	$ 20,000	$ -	0.00%	$ 20,000	$ 1,523	7.62%	$ (1,523)
CITY FUND BALANCE CONTRIBUTION	$ 1,500,000	$ -	0.00%	$ 1,500,000	$ -	0.00%	$ -
TOTAL MISCELLANEOUS	$ 4,490,654	$ 340,800	7.59%	$ 4,332,154	$ 237,714	5.49%	$ 135,786
TOTAL GENERAL FUND REVENUES	**$ 73,896,052**	**$ 35,068,005**	47.46%	**$ 70,477,936**	**$ 33,721,037**	47.85%	**$ 1,379,668**
SCHOOL REVENUES							
EDUCATION SUBSIDY	$ 36,663,037	$ 16,276,835	44.40%	$ 34,826,024	$ 14,410,343	41.38%	$ 1,866,492
EDUCATION	$ 611,103	$ 94,776	15.51%	$ 489,465	$ 48,781	9.97%	$ 45,995
SCHOOL FUND BALANCE CONTRIBUTION	$ 2,000,000	$ -	0.00%	$ 1,251,726	$ -	0.00%	$ -
TOTAL SCHOOL	$ 39,274,140	$ 16,371,611	41.69%	$ 36,567,215	$ 14,459,124	39.54%	$ 1,912,487
GRAND TOTAL REVENUES	**$ 113,170,192**	**$ 51,439,616**	**45.45%**	**$ 107,045,151**	**$ 48,180,161**	**45.01%**	**$ 3,292,155**

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH November 30, 2023 VS November 30, 2022

DEPARTMENT	FY 2024 BUDGET	EXP THRU NOV 2023	% OF BUDGET	FY 2023 BUDGET	EXP THRU NOV 2022	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	$ 171,750	$ 55,274	32.18%	$ 170,500	$ 48,176	28.26%	$ 7,098
CITY MANAGER	$ 695,009	$ 249,259	35.86%	$ 510,978	$ 198,353	38.82%	$ 50,906
COMMUNICATIONS & ENGAGEMENT	$ 356,522	$ 134,979	37.86%	$ 218,746	$ 69,720	31.87%	$ 65,259
CITY CLERK	$ 290,268	$ 125,504	43.24%	$ 257,506	$ 117,923	45.79%	$ 7,581
FINANCE	$ 1,228,112	$ 549,595	44.75%	$ 1,138,802	$ 438,879	38.54%	$ 110,716
HUMAN RESOURCES	$ 246,260	$ 100,828	40.94%	$ 222,099	$ 84,141	37.88%	$ 16,687
INFORMATION TECHNOLOGY	$ 917,487	$ 503,888	54.92%	$ 827,000	$ 390,538	47.22%	$ 113,350
TOTAL ADMINISTRATION	$ 3,905,408	$ 1,719,327	44.02%	$ 3,345,631	$ 1,347,730	40.28%	$ 371,597
COMMUNITY SERVICES							
PLANNING & PERMITTING	$ 682,189	$ 281,808	41.31%	$ 666,629	$ 294,009	44.10%	$ (12,201)
ECONOMIC DEVELOPMENT	$ 123,893	$ 81,152	65.50%	$ 286,598	$ 121,175	42.28%	$ (40,023)
BUSINESS & COMMUNITY DEVELOPMENT	$ 710,692	$ 151,544	21.32%	$ 671,411	$ 117,951	17.57%	$ 33,593
HEALTH & SOCIAL SERVICES	$ 180,825	$ 272,679	150.80%	$ 119,875	$ 45,623	38.06%	$ 227,056
RECREATION & SPORTS TOURISM	$ 722,416	$ 246,881	34.17%	$ 762,440	$ 251,381	32.97%	$ (4,500)
PUBLIC LIBRARY	$ 1,138,659	$ 394,104	34.61%	$ 1,084,437	$ 451,850	41.67%	$ (57,746)
TOTAL COMMUNITY SERVICES	$ 3,558,674	$ 1,428,168	40.13%	$ 3,591,390	$ 1,281,989	35.70%	$ 146,179
FISCAL SERVICES							
DEBT SERVICE	$ 8,334,544	$ 7,382,946	88.58%	$ 8,361,254	$ 7,549,963	90.30%	$ (167,017)
CAPITAL INVESTMENT & PURCHASING	$ 783,252	$ 296,537	37.86%	$ 672,473	$ 253,180	37.65%	$ 43,357
WORKERS COMPENSATION	$ 715,400	$ 715,400	100.00%	$ 698,000	$ 698,000	100.00%	$ 17,400
WAGES & BENEFITS	$ 8,257,879	$ 2,859,049	34.62%	$ 7,876,393	$ 2,723,280	34.58%	$ 135,769
EMERGENCY RESERVE (10108062-670000)	$ 550,000	$ -	0.00%	$ 461,230	$ -	0.00%	$ -
TOTAL FISCAL SERVICES	$ 18,641,075	$ 11,253,932	60.37%	$ 18,069,350	$ 11,224,423	62.12%	$ 29,509
PUBLIC SAFETY							
FIRE & EMS DEPARTMENT	$ 6,304,713	$ 2,511,090	39.83%	$ 5,693,284	$ 2,332,875	40.98%	$ 178,215
POLICE DEPARTMENT	$ 5,207,160	$ 2,129,312	40.89%	$ 4,945,034	$ 1,750,161	35.39%	$ 379,151
TOTAL PUBLIC SAFETY	$ 11,511,873	$ 4,640,402	40.31%	$ 10,638,318	$ 4,083,036	38.38%	$ 557,366
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	$ 6,108,837	$ 2,451,403	40.13%	$ 5,600,109	$ 1,881,743	33.60%	$ 569,660
SOLID WASTE DISPOSAL*	$ 1,386,000	$ 424,074	30.60%	$ 1,320,000	$ 415,669	31.49%	$ 8,405
WATER AND SEWER	$ 792,716	$ 390,602	49.27%	$ 792,716	$ 390,602	49.27%	$ -
TOTAL PUBLIC WORKS	$ 8,287,553	$ 3,266,079	39.41%	$ 7,712,825	$ 2,688,014	34.85%	$ 578,065
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	$ 205,000	$ 204,819	99.91%	$ 205,000	$ 206,299	100.63%	$ (1,480)
E911 COMMUNICATION CENTER	$ 1,287,401	$ 360,668	28.02%	$ 1,217,713	$ 608,856	50.00%	$ (248,188)
LATC-PUBLIC TRANSIT	$ 400,079	$ -	0.00%	$ 431,811	$ -	0.00%	$ -
LA ARTS	$ 20,000	$ 15,000		$ 30,000	$ 15,000		
TAX SHARING	$ 260,000	$ -	0.00%	$ 260,000	$ -	0.00%	$ -
TOTAL INTERGOVERNMENTAL	$ 2,172,480	$ 580,487	26.72%	$ 2,144,524	$ 830,155	38.71%	$ (249,668)
COUNTY TAX	$ 2,972,037	$ 2,972,037	100.00%	$ 2,761,220	$ 2,761,220	100.00%	$ 210,817
TIF (10108058-580000)	$ 3,049,803	$ -	0.00%	$ 3,049,803	$ 2,479,088	81.29%	$ (2,479,088)
OVERLAY	$ -	$ -		$ -	$ -		$ -
							$ -
TOTAL CITY DEPARTMENTS	**$ 54,098,903**	**$ 25,860,432**	**47.80%**	**$ 51,313,061**	**$ 26,695,655**	**52.03%**	**$ (835,223)**
EDUCATION DEPARTMENT	$ 59,071,289	$ 10,027,615	16.98%	$ 55,732,090	$ 15,329,888	27.51%	$ (5,302,273)
TOTAL GENERAL FUND EXPENDITURES	**$ 113,170,192**	**$ 35,888,047**	**31.71%**	**$ 107,045,151**	**$ 42,025,543**	**39.26%**	**$ (6,137,496)**

CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF November 30, 2023

INVESTMENT		FUND	BALANCE November 30, 2023	BALANCE October 31, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	$ 13,070,201.01	$ 7,048,672.14	**2.00%**
ANDROSCOGGIN BANK	502	SR-TIF	$ 1,054,623.81	$ 1,052,675.41	**2.00%**
ANDROSCOGGIN BANK	836	GENERAL FUND	$ 25,847,043.87	$ 15,803,296.79	**2.00%**
ANDROSCOGGIN BANK	801	WORKERS COMP	$ 53,660.22	$ 53,561.11	**2.00%**
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	$ 346,951.33	$ 346,310.39	**2.00%**
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	$ 231,661.08	$ 231,233.17	**2.00%**
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	$ 476,435.18	$ 475,555.04	**2.00%**
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	$ 114,466.88	$ 248,574.53	**2.00%**
NOMURA 2		ELHS Bond Proceeds	$ 13,347,999.00	$ 18,564,969.00	**2.08%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.00%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.25%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.45%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.15%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.35%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.30%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.50%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.80%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.40%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.75%**
Northern Capital Securities	CD	GENERAL FUND	$ 250,000.00	$ 250,000.00	**5.60%**
GRAND TOTAL			**$ 59,293,042.38**	**$ 48,574,847.58**	**4.29%**

EMS BILLING
SUMMARY OF ACTIVITY
July 1, 2023 - June 30, 2024
Report as of November 30, 2023

	Beginning Balance 11/1/2023	November 2023					Ending Balance 11/30/2023
		New Charges	Payments	Refunds	Adjustments	Write-Offs	
Bluecross	**$ 46,344.72**	$ 13,878.60	$ (15,499.70)		$ (1,326.16)		**$ 43,397.46**
Intercept	**$ (669.20)**	$ -	$ (400.00)				**$ (1,069.20)**
Medicare	**$ 332,641.13**	$ 150,402.45	$ (76,818.30)		$ (113,913.40)		**$ 292,311.88**
Medicaid	**$ (8,808.05)**	$ 53,655.00	$ (45,582.25)		$ (35,596.03)		**$ (36,331.33)**
Other/Commercial	**$ 110,288.92**	$ 19,624.05	$ (12,538.78)		$ (2,616.52)		**$ 114,757.67**
Patient	**$ 91,504.61**	$ 6,522.20	$ (11,682.07)	$ -		$ (8,485.88)	**$ 77,858.86**
Worker's Comp	**$ (8,065.81)**	$ 859.40	$ -				**$ (7,206.41)**
TOTAL	**$ 563,236.32**	**$ 244,941.70**	**$ (162,521.10)**	**$ -**	**$ (153,452.11)**	**$ (8,485.88)**	**$ 483,718.93**

EMS BILLING
BREAKDOWN -TOTAL CHARGES
July 1, 2023 - June 30, 2024
Report as of November 30, 2023

	July 2023	August 2023	Sept 2023	Oct 2023	Nov 2023	Totals	% of Total
Bluecross	$ 12,163.20	$ 17,050.40	$ 11,900.40	$ 18,210.00	$ 13,878.60	$ 73,202.60	5.22%
Intercept	$ -	$ (969.20)	$ 200.00	$ 300.00	$ -	$ (469.20)	-0.03%
Medicare	$ 144,760.40	$ 176,422.00	$ 141,352.25	$ 217,867.20	$ 150,402.45	$ 830,804.30	59.24%
Medicaid	$ 61,035.00	$ 82,884.40	$ 53,226.00	$ 58,306.80	$ 53,655.00	$ 309,107.20	22.04%
Other/Commercial	$ 17,128.40	$ 36,769.30	$ 14,611.00	$ 30,035.95	$ 19,624.05	$ 118,168.70	8.43%
Patient	$ 13,258.80	$ 16,885.60	$ 14,580.20	$ 19,484.60	$ 6,522.20	$ 70,731.40	5.04%
Worker's Comp				$ -	$ 859.40	$ 859.40	0.06%
TOTAL	$ 248,345.80	$ 329,042.50	$ 235,869.85	$ 344,204.55	$ 244,941.70	$ 1,402,404.40	100.00%

EMS BILLING
BREAKDOWN -TOTAL COUNT
July 1, 2023 - June 30, 2024
Report as of November 30, 2023

	July 2023	August 2023	Sept 2023	Oct 2023	Nov 2023	Totals	% of Total
Bluecross	12	27	12	20	15	86	5.00%
Intercept	0	3	2	3	0	8	0.47%
Medicare	178	236	172	254	172	1012	58.84%
Medicaid	72	112	59	64	65	372	21.63%
Other/Commercial	17	63	18	35	24	157	9.13%
Patient	16	20	16	25	7	84	4.88%
Worker's Comp			0		1	1	0.06%
TOTAL	295	461	279	401	284	1720	100.00%

CITY OF AUBURN
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES
As of November 30, 2023

.	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1917 Wellness Grant	1928 Vending	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2014 Speed Grant	2015 AARP Walkability Grant	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training	
Fund Balance 7/1/23	$ 419,018.01	$ 7,337.93	$ 37,205.06	$ 7,041.18	$ -	$ 2,808.57	$ (862,167.55)	$ (101,432.52)	$ 212,779.28	$ 8,224.66	$ 31,585.83	$ 5,736.24	$ -	$ 545.31	$ 212,510.51	$ (8,205.29)	$ (27,012.78)
Revenues FY24	$ 21,227.96	$ 489.00	$ 807.70	$ 3,837.00	$ 254.70	$ 3,232.99	$ -	$ -	$ 2,301.00			$ 8,629.65			$ 41,251.49		$ 82,031.49
Expenditures FY24	$ 148,377.00			$ 2,105.22	$ 287.76	$ 16,957.99	$ 1,583,159.17	$ 18,545.68	$ (2,250.00)	$ 11,088.63		$ 8,638.77					$ 1,786,910.22
Fund Balance 11/30/2023	**$ 291,868.97**	**$ 7,826.93**	**$ 38,012.76**	**$ 8,772.96**	**$ (33.06)**	**$ (10,916.43)**	**$ (2,445,326.72)**	**$ (119,978.20)**	**$ 217,330.28**	**$ (2,863.97)**	**$ 31,585.83**	**$ 5,727.12**	**$ -**	**$ 545.31**	**$ 253,762.00**	**$ (8,205.29)**	$ (1,731,891.51)

	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2051 Project Canopy	2054 EMS Transport Capital Reserve	2059 Distracted Driving	2068 Northern Borders Grant	
Fund Balance 7/1/23	$ 1,207,031.43	$ 30,379.80	$ 25,064.37	$ 40,215.76	$ 3,374.73	$ 20,536.23	$ 21,618.18	$ -	$ 110,525.79	$ (1,695.00)	$ 2,213.05	$ (1,522.60)	$ 288,581.46	$ 802.57	$ 178,046.71	$ 1,925,172.48
Revenues FY24	$ 373,347.19			$ 87,426.50			$ 350.00		$ 31,196.49				$ 2,615.62			$ 494,935.80
Expenditures FY24	$ 653,278.23		$ 9,573.87	$ 2,378.45	$ 7,674.97		$ 990.39		$ 22,838.43							$ 696,734.34
Fund Balance 11/30/2023	**$ 927,100.39**	**$ 30,379.80**	**$ 15,490.50**	**$ 125,263.81**	**$ (4,300.24)**	**$ 20,536.23**	**$ 20,977.79**	**$ -**	**$ 118,883.85**	**$ (1,695.00)**	**$ 2,213.05**	**$ (1,522.60)**	**$ 291,197.08**	**$ 802.57**	**$ 178,046.71**	$ 1,723,373.94

	2071 Com Engage Spec Events	2080 Futsol Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	
Fund Balance 7/1/23	$ 48,854.00	$ 25,353.61	$ 6,053.02	$ 11,279,077.49	$ 482.09	$ 82,000.00	$ 228,248.69	$ 11,670,068.90
Revenues FY24				$ 54,631.53	$ 17,618.56	$ -	$ 140,417.13	$ 212,667.22
Expenditures FY24				$ 1,070,276.30	$ 6,711.12	$ 12,634.65	$ 247,325.62	$ 1,336,947.69
Fund Balance 11/30/2023	**$ 48,854.00**	**$ 25,353.61**	**$ 6,053.02**	**$ 10,263,432.72**	**$ 11,389.53**	**$ 69,365.35**	**$ 121,340.20**	$ 10,545,788.43

	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues	TIF Totals
Fund Balance 7/1/23	$ 126,694.39	$ 806,274.01	$ 786,690.71	$ (627,211.49)	$ 623,092.36	$ (662,615.38)	$ 19,435.74	$ 27,952.81	$ 1,120.91	$ 74,350.62	$ 132,062.18	$ (28,481.47)	$ 13,914.35	$ (76,544.08)	$ 59,527.65	$ 14,844,491.91	$ 1,276,263.31
Revenues FY24																$ 789,634.51	$ -
Expenditures FY24		$ -	$ 18,157.48	$ 260,900.00		$ 105,461.73	$ 18,036.43		$ 34,623.23	$ 14,577.06	$ 28,622.10	$ 133,754.34	$ 21,418.80	$ 2,619.48	$ -	$ 4,458,762.90	$ 638,170.65
Fund Balance 11/30/2023	**$ 126,694.39**	**$ 806,274.01**	**$ 768,533.23**	**$ (888,111.49)**	**$ 623,092.36**	**$ (768,077.11)**	**$ 1,399.31**	**$ 27,952.81**	**$ (33,502.32)**	**$ 59,773.56**	**$ 103,440.08**	**$ (162,235.81)**	**$ (7,504.45)**	**$ (79,163.56)**	**$ 59,527.65**	$ 11,175,363.52	$ 638,092.66

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Financial Reports for November 30, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of November 30, 2023.

INGERSOLL TURF FACILITY

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of November 30, 2023.

Current Assets:
As of the end of November 2023 the total current assets of Ingersoll Turf Facility were $411,682. This consisted of cash and cash equivalents and interfund receivables.

Noncurrent Assets:
Ingersoll's noncurrent assets are the building, and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of November 30, 2023, was $34,044.

Liabilities:
Ingersoll had no accounts payable as of November 30, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through November 2023 are $72,602. This revenue comes from sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through November 2023 were $10,592. These expenses include program costs and capital purchases. Personal and operating costs are now in the Recreation budget.

As of November 2023, Ingersoll has an operating gain of $62,010 compared to a net gain in October of $8,789.

As of November 30, 2023, Ingersoll has an increase in net assets of $63,756.

The budget to actual reports for revenue and expenditures, show the revenue for FY23 compared to FY 22.

Statement of Net Assets
Ingersoll Turf Facility
November 30, 2023
Business-type Activities - Enterprise Fund

		November 30 2023	October 31 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 231,233	$ 230,792	$ 441
Interfund receivables/payables		$ 180,449	$ 143,554	36,895
Accounts receivable		-	-	-
	Total current assets	411,682	374,346	37,336
Noncurrent assets:				
Capital assets:				
Buildings		672,279	672,279	-
Equipment		119,673	119,673	-
Land improvements		18,584	18,584	-
Less accumulated depreciation		(776,492)	(776,492)	-
	Total noncurrent assets	34,044	34,044	-
	Total assets	445,726	408,390	37,336
LIABILITIES				
Accounts payable		$ -	$ -	-
Interfund payable		$ -	$ -	-
Total liabilities		-	-	-
NET ASSETS				
Invested in capital assets		$ 34,044	$ 34,044	$ -
Unrestricted		$ 411,682	$ 374,346	$ 37,336
Total net assets		**$ 445,726**	**$ 408,390**	**$ 37,336**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Ingersoll Turf Facility
Business-type Activities - Enterprise Funds
Statement of Activities
November 30, 2023

	Ingersoll Turf Facility
Operating revenues:	
Charges for services	$ 72,602
Operating expenses:	
Personnel	-
Supplies	-
Utilities	293
Repairs and maintenance	
Rent	-
Depreciation	-
Capital expenses	8,555
Other expenses	1,744
Total operating expenses	10,592
Operating gain (loss)	62,010
Nonoperating revenue (expense):	
Interest income	1,746
Interest expense (debt service)	-
Total nonoperating expense	1,746
Gain (Loss) before transfer	63,756
Transfers out	-
Change in net assets	63,756
Total net assets, July 1	381,970
Total net assets, November 30, 2023	**$ 445,726**

CITY OF AUBURN, MAINE
REVENUES - INGERSOLL TURF FACILITY
Through November 30, 2023 compared to November 30, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU NOV 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU NOV 2022	% OF BUDGET
CHARGE FOR SERVICES						
Sponsorship		$ 7,025			$ 1,500	
Batting Cages		$ 7,340			$ 2,855	
Programs		$ 10,772			$ 12,801	
Rental Income		$ 47,465			$ 34,717	
TOTAL CHARGE FOR SERVICES	$ -	$ 72,602		$ -	$ 51,873	
INTEREST ON INVESTMENTS	$ -	$ 1,746		$ -	$ 173	
GRAND TOTAL REVENUES	**$ -**	**$ 74,348**		**$ -**	**$ 52,046**	

CITY OF AUBURN, MAINE
EXPENDITURES - INGERSOLL TURF FACILITY
Through November 30, 2023 compared to November 30, 2022

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU NOV 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU NOV 2022	% OF BUDGET	Difference
Salaries & Benefits	See Recreation Budget			See Recreation Budget			$ -
Purchased Services							$ -
Programs		$ 1,744			$ 4,761		$ (3,017)
Supplies					$ 1,641		$ (1,641)
Utilities		$ 293					$ 293
Insurance Premiums	$ -			$ -	$ -		
Capital Outlay	$ -	$ 8,555		$ -	$ 11,136		$ (2,581)
	$ -	$ 10,592		$ -	$ 17,538		$ (6,946)
GRAND TOTAL EXPENDITURES	**$ -**	**$ 10,592**		**$ -**	**$ 17,538**		**$ (6,946)**

City of Auburn, Maine
Finance Department
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Phillip Crowell, City Manager
From: Jill Eastman, Finance Director
Re: Arena Financial Reports for November 30, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of November 30, 2023.

NORWAY SAVINGS BANK ARENA

Statement of Net Assets:
The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, October 31, 2023.

Current Assets:
As of the end of November 2023 the total current assets of Norway Savings Bank Arena were ($1,452,648). These consisted of cash and cash equivalents of $280,564, accounts receivable of $26.560, and an interfund payable of $1,759,972.

Noncurrent Assets:
Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of November 30, 2023, was $102,173.

Liabilities:
Norway Arena had accounts payable of $4,400 as of November 30, 2023.

Statement of Activities:

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through November 2023 are $302,384. This revenue comes from concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through November 2023 were $347,224. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of November 2023, Norway Arena had an operating loss of $44,840.

As of November 30, 2023, Norway Arena has a decrease in net assets of $44,840.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is $143,630 more than in FY23 and expenditures in FY23 are $182,944 more than last year in November.

CITY OF AUBURN, MAINE
Statement of Net Assets
Norway Savings Bank Arena
November 30, 2023
Business-type Activities - Enterprise Fund

		November 30 2023	October 31 2023	Increase/ (Decrease)
ASSETS				
Current assets:				
Cash and cash equivalents		$ 280,764	$ 280,564	$ 200
Interfund receivables		$ (1,759,972)	$ (1,899,582)	$ 139,610
Prepaid Rent				$ -
Accounts receivable		26,560	144,194	$ (117,634)
	Total current assets	(1,452,648)	(1,474,824)	22,176
Noncurrent assets:				
Capital assets:				
Buildings		58,223	58,223	-
Equipment		517,049	517,049	-
Land improvements		-	-	-
Less accumulated depreciation		(473,099)	(473,099)	-
	Total noncurrent assets	102,173	102,173	-
	Total assets	(1,350,475)	(1,372,651)	22,176
LIABILITIES				
Accounts payable		$ 4,400	$ 998	$ 3,402
Net OPEB liability		$ 64,614	$ 64,614	$ -
Net pension liability		(52,355)	(52,355)	-
Total liabilities		16,659	13,257	3,402
NET ASSETS				
Invested in capital assets		$ 102,173	$ 102,173	$ -
Unrestricted		$ (1,469,307)	$ (1,385,908)	$ (83,399)
Total net assets		**$ (1,367,134)**	**$ (1,283,735)**	**$ (83,399)**

CITY OF AUBURN, MAINE
Statement of Revenues, Expenses and Changes in Net Assets
Norway Savings Bank Arena
Business-type Activities - Enterprise Funds
Statement of Activities
November 30, 2023

	Norway Savings Arena
Operating revenues:	
Charges for services	$ 302,384
Operating expenses:	
Personnel	158,318
Supplies	43,940
Utilities	15,578
Repairs and maintenance	15,358
Insurance Premium	-
Depreciation	
Capital expenses	101,600
Other expenses	12,430
Total operating expenses	347,224
Operating gain (loss)	(44,840)
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
Total nonoperating expense	-
Gain (Loss) before transfer	(44,840)
Transfers out	-
Change in net assets	(44,840)
Total net assets, July 1	(1,322,294)
Total net assets, November 30, 2022	**$ (1,367,134)**

CITY OF AUBURN, MAINE
REVENUES - NORWAY SAVINGS BANK ARENA
Through November 30, 2023 compared to November 30, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU NOV 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU NOV 2022	% OF BUDGET	VARIANCE
CHARGE FOR SERVICES							
Concssions	$ 16,500		0.00%	$ 16,500		0.00%	$ -
Skate Rentals	$ 6,000	$ 1,025	17.08%	$ 6,000		0.00%	$ 1,025
Pepsi Vending Machines	$ 2,000	$ 415	20.75%	$ 2,000	$ 265	13.25%	$ 150
Games Vending Machines	$ 3,000		0.00%	$ 3,000	$ -	0.00%	$ -
Vending Food	$ 2,000	$ 239	11.95%	$ 2,000	$ 54	2.70%	$ 185
Sponsorships	$ 230,000	$ 87,398	38.00%	$ 230,000	$ 59,865	26.03%	$ 27,533
Pro Shop	$ 7,000	$ 1,677	23.96%	$ 7,000		0.00%	$ 1,677
Programs	$ 20,000		0.00%	$ 20,000		0.00%	$ -
Rental Income	$ 702,000	$ 200,070	28.50%	$ 702,000	$ 70,770	10.08%	$ 129,300
Camps/Clinics	$ 50,000	$ 11,560	23.12%	$ 50,000	$ 16,850	33.70%	$ (5,290)
Tournaments	$ 50,000	$ -	0.00%	$ 50,000	$ 10,950	21.90%	$ (10,950)
TOTAL CHARGE FOR SERVICES	$ 1,088,500	$ 302,384	27.78%	$ 1,088,500	$ 158,754	14.58%	$ 143,630

CITY OF AUBURN, MAINE
EXPENDITURES - NORWAY SAVINGS BANK ARENA
Through November 30, 2023 compared to November 30, 2022

DESCRIPTION	FY 2024 BUDGET	ACTUAL EXPENDITURES THRU NOV 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL EXPENDITURES THRU NOV 2022	% OF BUDGET	VARIANCE
Salaries & Benefits	$ 291,095	$ 158,318	54.39%	$ 291,095	$ 81,989	28.17%	$ 76,329
Purchased Services	$ 136,900	$ 27,788	20.30%	$ 136,900	$ 39,956	29.19%	$ (12,167)
Supplies	$ 76,562	$ 43,940	57.39%	$ 76,562	$ 9,590	12.53%	$ 34,350
Utilities	$ 267,000	$ 15,578	5.83%	$ 267,000	$ 14,160	5.30%	$ 1,418
Capital Outlay	$ 50,000	$ 101,600	203.20%	$ 50,000	$ 18,586	37.17%	$ 83,014
Rent	$ -	$ -		$ -	$ -		$ -
	$ 821,557	$ 347,224	42.26%	$ 821,557	$ 164,281	20.00%	$ 182,944
GRAND TOTAL EXPENDITURES	**$ 821,557**	**$ 347,224**	**42.26%**	**$ 821,557**	**$ 164,281**	**20.00%**	**$ 182,944**